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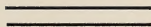
PREFIX TO STATUTES, 1966-67

ACTS PROCLAIMED IN FORCE

LIST OF PROCLAMATIONS FROM SEPTEMBER 8, 1965

TO MAY 13, 1967

MISCELLANEOUS PROCLAMATIONS



ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

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LIST OF PROCLAMATIONS FROM SEPT. 8, 1965 TO MAY 13, 1967.

	DATE IN FORCE	CANADA GAZETTE
Acts Proclaimed:—		
Banks and Banking Act, c. 87, 1966-67 Statutes.....	1 May, 1967	Vol. 101, p. 1069
Bankruptcy Act, c. 14, 1952 Revised Statutes, Part X in force and having effect in Province of Alberta.....	17 April 1967	Vol. 101, p. 1139
In force in Province of Manitoba.....	1 June, 1967	Vol. 101, p. 1369
Canada Deposit Insurance Corporation Act, c. 70, 1966-67 Statutes	17 April, 1967	Vol. 101, p. 1070
Canada Shipping Act, c. 29, 1952 R.S., declaring the harbour of Bonavista to be a public harbour.....	13 Sept., 1965	Vol. 99, p. 3050
Extending the limits of the harbour of Prince Rupert, B.C....	19 April, 1966	Vol. 100, p. 1368
Declaring the harbour of Fortune, Nfld., to be a public har- bour and defining its limits.....	1 Mar., 1967	Vol. 101, p. 742
Canada-United Kingdom, Canada-Sweden Income Tax Agree- ment Act, 1966, c. 14, 1966-67 Statutes.....	12 May, 1966	Vol. 100, p. 2203
Proclaiming Supplementary Agreement modifying the Agree- ment between Canada and Sweden for avoidance of double taxation.....	14 July, 1966	Vol. 100, p. 3294
Canadian Citizenship Act, c. 33, 1952 R.S., declaring Uganda and the Gambia to be countries of the British Commonwealth...	19 Oct., 1965	Vol. 99, p. 3501
Declaring Guyana to be a country of the British Common- wealth.....	16 Dec., 1966	Vol. 100, p. 4173
Declaring Malawi and Kenya to be countries of the British Commonwealth.....	30 Jan., 1967	Vol. 101, p. 356
Declaring Barbados a country of the British Commonwealth.	15 Feb., 1967	Vol. 101, p. 573
Declaring Lesotho a country of the British Commonwealth.	15 Feb., 1967	Vol. 101, p. 574
Declaring Botswana a country of the British Commonwealth	30 Mar., 1967	Vol. 101, p. 1069
Canadian Dairy Commission Act, c. 34, 1966-67 Statutes.....	31 Oct., 1966	Vol. 100, p. 3528
Civil Service Act, c. 57 (s. 62), 1960-61 Statutes, fixing the after- noons of the 24th and 31st December, 1965 as holidays.....	14 Dec., 1965	Vol. 99, p. 4222
Currency, Mint and Exchange Fund Act, c. 315 of 1952 R.S., au- thorizing the issue of \$20 gold coin in commemoration of 100th anniversary of the Confederation of Canada.....	2 Jan., 1967	Vol. 100, p. 3293
Prescribing the design of the subsidiary coinage to be struck during 1967 in commemoration of the 100th anniversary of Confederation.....	2 Jan., 1967	Vol. 100, p. 3766
Electoral Boundaries Readjustment Act, c. 31, 1964-65 Statutes, proclaiming the representation order to be in force upon dis- solution of 27th Parliament.....	20 June, 1966	Vol. 100, p. 2024 Ex. June 20/66.
Fair Wages and Hours of Labour Act, an Act to amend, c. 24, 1966-67 Statutes.....	1 April, 1967	Vol. 101, p. 664
Financial Administration Act, an Act to amend, c. 74, 1966-67 Statutes.....	13 Mar., 1967	Vol. 101, p. 744
Government Organization Act, c. 25, 1966-67 Statutes.....	1 Oct., 1966	Vol. 100, p. 3149 Ex. Sept. 22/66.
Harbour Commissions Act, c. 32, 1964-65 Statutes, establishing the Oshawa Harbour Commission, defining the limits, and repealing the Oshawa Harbour Commissioners Act.....	16 Dec., 1966	Vol. 100, p. 4078
Establishing Windsor Harbour Commission, defining the limits of Windsor Harbour and repealing the Windsor Harbour Commissioners Act.....	1 Mar., 1967	Vol. 101, p. 742

LIST OF PROCLAMATIONS FROM SEPT. 8, 1965 TO MAY 13, 1967.—Continued

	DATE IN FORCE	CANADA GAZETTE
Indian Act, c. 149, 1952 R.S., brought into force in—		
Nanoose Indian Reserve, B.C.	19 Oct., 1965	Vol. 99, p. 3502
Certain Indian Reserves in N.S.	1 Nov., 1965	Vol. 99, p. 3601
Drift Pile Indian Reserve, Alta.	22 Jan., 1966	Vol. 100, p. 267
Certain Indian Reserves in Alta.	22 Jan., 1966	Vol. 100, p. 268
Peigan Band, Alta.	14 Mar., 1966	Vol. 100, p. 996
Certain Indian Reserves in Alta.	26 April, 1966	Vol. 100, p. 1448
Richibucto, Big Cove Indian Reserve in N.B.	21 July, 1966	Vol. 100, p. 2478
Certain Indian Reserves in B.C.	28 Oct., 1966	Vol. 100, p. 3529
Certain Indian Reserves in Alta.	17 Nov., 1966	Vol. 100, p. 3766
Certain Indian Reserves in Alta.	12 Dec., 1966	Vol. 100, p. 4010
Lac La Ronge Band, Sask.	15 Dec., 1966	Vol. 100, p. 4077
Indian Island Reserve, N.B.	16 Dec., 1966	Vol. 100, p. 4173
Alexander Band, Alta.	16 Dec., 1966	Vol. 100, p. 4174
Blackfoot Band, Alta.	16 Dec., 1966	Vol. 100, p. 4174
Certain Indian Reserves in Man. and Sask.	22 Dec., 1966	Vol. 100, p. 4176
Certain Indian Reserves in N.B.	24 Jan., 1967	Vol. 101, p. 355
Certain Indian Reserves in Alta.	30 Jan., 1967	Vol. 101, p. 356
Declaring s. 93 and s. 96 do not apply to lot 2 of Spence's Bridge Indian Reserve No. 4C in B.C.	24 Aug., 1966	Vol. 100, p. 2846
Brought into force in—		
Certain Indian Reserves of Whitefish Lake Band, Alta.	27 Feb., 1967	Vol. 101, p. 665
Certain Indian Reserves in Alta.	27 Feb., 1967	Vol. 101, p. 741
Timiskaming Indian Reserve, No. 19, P.Q.	13 Mar., 1967	Vol. 101, p. 823
Juvenile Delinquents Act, c. 160, 1952 R.S., brought into force in the Judicial districts of Nicolet, Pontiac, Labelle, Montmagny, Bedford and Joliette, P.Q.	20 Nov., 1965	Vol. 99, p. 3806
Brought into force in the Judicial districts of Gaspé and Bonaventure, P.Q.	4 June, 1966	Vol. 100, p. 1766
Brought into force in the Judicial districts of St. Hyacinthe, Drummond, Arthabaska, Richelieu, Abitibi, Témiscamingue and Rouyn-Noranda, P.Q.	23 Nov., 1965	Vol. 99, p. 3888
Brought into force in the Judicial districts of Beauce and Mégantic, P.Q.	19 Dec., 1966	Vol. 100, p. 4175
Brought into force in the Judicial districts of Iberville and Beauharnois, P.Q.	19 Dec., 1966	Vol. 100, p. 4176
Brought into force in the Judicial districts of Haute-ribe and Saguenay, P.Q.	7 Jan., 1967	Vol. 101, p. 23
Brought into force in the Settlement of Pine Point, N.W.T.	7 Jan., 1967	Vol. 101, p. 23
Brought into force in Fort McKay Indian Reserve No. 174, Alberta.	2 May, 1967	Vol. 101, p. 1368
Judges Act and Criminal Code, an Act to amend, c. 8, 1963 Statutes (Pt. II)	1 Aug., 1966	Vol. 100, p. 2269
Maritime Transportation Unions Trustees Act, c. 17, 1963 Statutes, extending the date of expiry of the Act to December 31, 1967.	30 Dec., 1966	Vol. 101, p. 24
National Transportation Act, c. 69, 1966-67 Statutes, Part V and sections 314A to 314G of Railway Act, in force.	23 Mar., 1967	Vol. 101, p. 888
Newfoundland Acts of the province respecting harbours and pilotage, an Act to repeal, c. 33, 1964-65 Statutes.	1 Mar., 1967	Vol. 101, p. 743
Northwest Territories Act, c. 22, s. 5, 1966-67 Statutes.	1 April, 1967	Vol. 101, p. 987
Public Service Employment Act, c. 71, 1966-67 Statutes.	13 Mar., 1967	Vol. 101, p. 744
Public Service Staff Relations Act, c. 72, 1966-67 Statutes.	13 Mar., 1967	Vol. 101, p. 744
Quebec Savings Banks Act, c. 93, 1966-67 Statutes.	1 May 1967	Vol. 101, p. 1070
Superannuation Amendment Act, c. 44, 1966-67 Statutes, sections 30, 47, 51(2) and 57(1), in force.	18 Sept., 1966	Vol. 100, p. 2979

LIST OF PROCLAMATIONS FROM SEPT. 8, 1965 TO MAY 13, 1967—Concluded

	DATE IN FORCE	CANADA GAZETTE
Miscellaneous:—		
Administrator of the Government, His Excellency, Hon. Robert Taschereau.....	5 Mar., 1967	Vol. 101, p. 719 Ex. Mar. 5/67.
Assumption by Rt. Hon. Roland Michener of the office of Gover- nor General of Canada.....	29 Mar., 1967	Vol. 101, p. 1191 Ex. April 17/67
Fire Prevention Week, Oct. 9 to 15, 1966.....	9 Oct., 1966	Vol. 100, p. 2846
Fixing Wednesday, January, 11, 1967, as day for commemoration of birthday of Sir John A. Macdonald.....	11 Jan., 1967	Vol. 101, p. 94 Ex. Jan. 6/67.
Public Mourning for His Excellency the Rt. Hon. Georges Philias Vanier.....	5 Mar., 1967	Vol. 101, p. 720 Ex. Mar. 6/67.
Veterans' Week, June 11 to June 17.....	11 June, 1967	Vol. 101, p. 1369
Parliament:—		
Opening of 1966-67 session of Parliament, 18 Jan., 1966.....	18 Jan., 1966	Vol. 99, p. 3973
House of Commons to meet for Emergency Session.....	29 Aug., 1966	Vol. 100, p. 2781 Ex. Aug. 22/66.
Parliament prorogued.....	8 May, 1967	Vol. 101, p. 1376 Ex. May 8/67.
Opening of 2nd Sess., 1967.....	8 May, 1967	Vol. 101, p. 1382 Ex. May 8/67.



ACTS OF THE PARLIAMENT OF CANADA

PASSED IN THE SESSION HELD IN THE
FOURTEENTH-FIFTEENTH-SIXTEENTH YEARS
OF THE REIGN OF HER MAJESTY

QUEEN ELIZABETH II

BEING THE

FIRST SESSION OF THE TWENTY-SEVENTH PARLIAMENT

Begun and holden at Ottawa, on the Eighteenth day of January, 1966,
and ended by prorogation on the Eighth day of May, 1967.

HIS EXCELLENCY GENERAL
GEORGES PHILIAS VANIER
GOVERNOR GENERAL

HIS EXCELLENCY THE HONOURABLE
ROBERT TASCHEREAU
ADMINISTRATOR

HIS EXCELLENCY THE RIGHT HONOURABLE
ROLAND MICHENER
GOVERNOR GENERAL

PART I
PUBLIC GENERAL ACTS

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15 ELIZABETH II.

CHAP. 1

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1966.

[Assented to 8th February, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1966, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 1, 1966*.

Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, seven hundred and twenty million, six hundred and seventy-four thousand, nine hundred and eighty-seven dollars and sixty-one cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1965 to the 31st day of March, 1966, not otherwise provided for, and being the aggregate of

\$1,720,674,-
987.61
granted for
1965-66.

- (a) four-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1966, as laid before the House of Commons at the present session of Parliament except Agriculture Votes 5 and 60, External Affairs Vote 5,

Finance Vote 15, Fisheries Votes 5, 10 and 20, Forestry Vote 15, Justice Vote 1, Labour Vote 15, Legislation Vote 5, Mines and Technical Surveys Vote 50, National Film Board Vote 1, National Revenue Vote 5, Northern Affairs and National Resources Votes 1 and 45 and Trade and Commerce Vote 15 for which the proportion is three-twelfths; Legislation Vote 20, Mines and Technical Surveys Votes 10, 15, 45 and 60, Northern Affairs and National Resources Vote 15, Secretary of State Vote 30, and Transport Vote 95 for which the proportion is two-twelfths; Mines and Technical Surveys Vote 25 and National Research Council Vote 10 for which the proportion is one-twelfth; Agriculture Votes 25 and 45, Atomic Energy Vote 5, External Affairs Votes 15 and 20, Legislation Vote 15, Mines and Technical Surveys Vote 70, Northern Affairs and National Resources Vote 5 and Loans, Investments and Advances Votes L30 and L95 for which no proportion is granted hereby.....\$1,389,658,181.35;

- (b) four-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates (B) for the fiscal year ending the 31st day of March, 1966, as laid before the House of Commons at the present session of Parliament except Finance Vote 15b for which the proportion is one-twelfth and Agriculture Votes 17b, 25b and 35b, Mines and Technical Surveys Vote 70b and Loans, Investments and Advances Vote L78b for which no proportion is granted hereby.....\$76,800,986.34;
- (c) eleven-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates (D) for the fiscal year ending the 31st day of March, 1966, as laid before the House of Commons at the present session of Parliament.....\$254,215,819.92.

Provided the amounts hereby authorized to be paid and applied in respect of these items shall be deemed to include and not be in addition to the amounts authorized for such items by the special Warrants issued by the Governor General pursuant to Orders of the Governor in Council of November 1, 1965 (P.C. 1965-1966), November 29, 1965 (P.C. 1965-2131), December 29, 1965 (P.C. 1965-2330), January 7, 1966 (P.C. 1966-38) and January 17, 1966 (P.C. 1966-96) for \$163,176,450, \$345,696,168, \$399,294,249, \$12,000,000 and \$425,000 respectively.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Purpose and
effect of
each item.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Commit-
ments.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

Account to
be rendered.
R.S., c. 116.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 2

An Act to extend the time for consideration of objections pursuant to section 20 of the Electoral Boundaries Readjustment Act with respect to the reports of commissions established for the decennial census taken in the year 1961.

[Assented to 23rd February, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1964-65, c. 31.

1. In its application to any objection filed as and when required by section 20 of the *Electoral Boundaries Readjustment Act* with respect to a report of a commission for a province established pursuant to section 4 of that Act for the decennial census taken in the year 1961, section 20 of that Act shall be read as follows:

“20. If within a period of thirty days from the day the copy of the report of any commission for a province is laid before the House of Commons or published pursuant to section 19, an objection in writing, in the form of a motion for consideration by the House of Commons of the matter of the objection, signed by not less than ten members of the House of Commons is filed with the Speaker specifying the provisions of the report objected to and the reasons for the objection, the House of Commons shall, within the first forty-five sitting days of the House of Commons next after the expiration of that period, take up the motion and consider the matter of the objection, and thereafter the report shall be referred back to the Representation Commissioner by the Speaker, together with

Procedure
where
objection
filed with
Speaker.

a copy of the objection and of the House of Commons Debates with respect thereto, for reconsideration by the commission having regard to the objection."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 3

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1966.

[Assented to 9th March, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1966, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 2, 1966.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole three hundred and ninety-eight million, sixty-two thousand, two hundred and sixty-two dollars and sixty cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1965 to the 31st day of March, 1966, not otherwise provided for, and being the aggregate of \$398,062,262.60
granted for
1965-66.

- (a) the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1966 (less reduction of

- \$20,000,000 in Loans, Investments and Advances Item L20 which has been withdrawn) as contained in Schedule A, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1965*, the *Appropriation Act No. 3, 1965*, the *Appropriation Act No. 6, 1965* and the *Appropriation Act No. 1, 1966*.....\$356,752,570.28;
- (b) the total of the amounts of the items set forth in the Supplementary Estimates (B) for the fiscal year ending the 31st day of March, 1966, (less reduction of \$5,000,000 in Loans, Investments and Advances Item L28b which has been repealed by Item L28d) as contained in Schedule B, less the amounts voted on account of the said items by the *Appropriation Act No. 6, 1965* and the *Appropriation Act No. 1, 1966*... ..\$18,199,163.24;
- (c) the total of the amounts of the items set forth in the Supplementary Estimates (D) for the fiscal year ending the 31st day of March, 1966, as contained in Schedule C less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1966*..\$23,110,529.08.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1965.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered.
R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1965-66. The amount hereby granted is \$356,752,570.28, being the total of the amounts of the items in the said Estimates (less reduction of \$20,000,000 in Loans, Investments and Advances Item L20 which has been withdrawn) as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1965*, the *Appropriation Act No. 3, 1965*, the *Appropriation Act No. 6, 1965* and the *Appropriation Act No. 1, 1966*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1966, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	ADMINISTRATION		
1	Departmental Administration including the Canadian Agricultural Services Co-ordinating Committee, contributions to the Commonwealth Agricultural Bureaux and a special contribution not exceeding \$62,000 to the Agricultural Economics Research Council, subject to approval by the Treasury Board.....	4,186,600	
	RESEARCH		
5	Administration, Operation and Maintenance including Canada's fee for membership in the International Society for Horticultural Science, an amount of \$145,000 for grants in aid of agricultural research in universities and other scientific organizations in Canada and the costs of publishing departmental research papers as supplements to the "Canadian Entomologist".....	25,774,000	
10	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,391,000	
	PRODUCTION AND MARKETING		
	Administration		
15	Administration, Operation and Maintenance including the administration of the <i>Agricultural Stabilization Act</i> , contributions to assist in the marketing of agricultural products subject to the approval of Treasury Board and payment of expenses not exceeding \$100,000 for a travelling Canadian livestock and seed exhibition outside Canada.....	2,110,100	
	Animal and Animal Products		
20	Administration, Operation and Maintenance including Canada's fee for membership in the International Dairy Federation..	6,510,300	
25	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	11,829,400	
	Plant and Plant Products		
30	Administration, Operation and Maintenance.....	6,049,100	
35	Grants, Contributions and Subsidies as detailed in the Estimates	1,823,900	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE (Concluded)		
	HEALTH OF ANIMALS		
40	Administration, Operation and Maintenance including Canada's fee for membership in the Office International des Epizooties, and authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year from packers requiring special services	12,756,000	
45	Grants, Contributions and Subsidies as detailed in the Estimates.....	1,698,000	
	BOARD OF GRAIN COMMISSIONERS		
50	Administration, Operation and Maintenance including authority to purchase screenings.....	6,610,700	
	LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS		
	Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the <i>Prairie Farm Rehabilitation Act</i> Program, Land Protection, Reclamation and Development—		
55	Administration, Operation and Maintenance including Canada's fee for membership in the International Commission on Irrigation and Drainage.....	8,972,000	
60	Construction or Acquisition of Buildings, Works, Land and Equipment.....	28,034,000	
			121,745,100
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
1	Administration Expenses of the Atomic Energy Control Board.	186,400	
5	Grants for Researches and Investigations with respect to Atomic Energy.....	1,600,000	
	ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM)		
10	Current Operation and Maintenance, including expendable research equipment.....	40,549,600	
15	Construction or Acquisition of Buildings, Works, Land and Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited.....	12,976,500	
			55,312,500
	AUDITOR GENERAL'S OFFICE		
1	Salaries and Expenses of Office.....		1,746,200
	BOARD OF BROADCAST GOVERNORS		
1	Salaries and other Expenses.....		393,000

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CANADIAN BROADCASTING CORPORATION		
	CANADIAN BROADCASTING CORPORATION		
1	Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service.....	97,044,000	
	INTERNATIONAL BROADCASTING SERVICE		
5	International Broadcasting Service including authority to credit to the appropriation revenue from the rental of facilities in Montreal, Sackville and Vancouver to an amount of \$427,000 and to re-expend these moneys for the purposes of the International Broadcasting Service.....	2,400,000	99,444,000
	OFFICE OF THE CHIEF ELECTORAL OFFICER		
1	Salaries and Expenses of Office.....		115,600
	CITIZENSHIP AND IMMIGRATION		
	Departmental Administration.....	1,257,800	
	CITIZENSHIP		
5	Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion, and grants to organizations as detailed in the Estimates.....	2,044,500	
	IMMIGRATION		
10	Administration, Operation and Maintenance including trans-oceanic and inland transportation and other assistance for immigrants and settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants and \$20,000 for grants to Immigrant Welfare Organizations.....	13,898,000	
	INDIAN AFFAIRS		
15	Administration, Operation and Maintenance including expenditures on works on other than federal property, grants, contributions and special payments including those specified in the sub-vote titles in the Estimates, recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and Territories and with local School Boards in respect of social assistance to persons residing on Indian reserves other than Indians and the education in Indian Schools of children other than Indian children, authority to make grants and contributions pursuant to agreements entered into with the Governments of the Provinces or the Territories or other groups or authorities approved of by the Governor in Council for the provision of welfare and other services to Indians and to authorize the Minister of Citizenship and Immigration to provide, in respect of Indian commercial activities, for the instruction and supervision of Indians, the furnishing of materials, the purchase of finished goods, and notwithstanding any other Act, the sale of such finished goods.....	60,261,600	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION (Concluded)		
	INDIAN AFFAIRS (Concluded)		
20	Construction or Acquisition of Buildings, Works, Land and Equipment including construction or acquisition of works for Indian Bands, the operation and control of which may be transferred to the Indian Bands at the discretion of the Minister, expenditures on works on other than federal property, assistance to Indians and Indian Bands for the construction or acquisition of housing and other buildings and related works, land and equipment, and recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and the Territories and with local School Boards in respect of the education in Indian schools of children other than Indian children.....	14,300,000	91,761,900
	CIVIL SERVICE COMMISSION		
1	Salaries and Contingencies of the Commission including compensation in accordance with the Incentive Award Plan of the Public Service of Canada.....		7,139,600
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
1	Departmental Administration including the care, maintenance and custody of standby defence plants, buildings, machine tools and production tooling and grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors.....	16,922,800	
5	For the establishment of production capacity and for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to the approval of Treasury Board....	2,217,000	
10	To establish qualified sources for the production of component parts and materials, subject to the approval of Treasury Board, and to authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , total commitments of \$1,200,000 for the foregoing purposes during the current and subsequent fiscal years.....	500,000	19,639,800
	B—EMERGENCY MEASURES ORGANIZATION		
20	Administration and Operation.....	2,719,800	
25	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances not exceeding in the aggregate the amounts of the shares of the Governments of the Provinces of the costs of joint programs.....	1,764,200	
30	Grants to Provinces and Municipalities for Civil Defence and Related Purposes and authority to make recoverable advances in accordance with terms and conditions approved by the Treasury Board.....	5,200,000	9,684,000

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	DEFENCE PRODUCTION (Concluded)		
	C—CROWN COMPANIES		
35	Expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence and procuring the construction of such other projects as are approved by Treasury Board.....	2,085,000	
40	Canadian Arsenals, Limited—		
45	Administration and Operation.....	2,017,000	
	Construction, Improvements and Equipment.....	188,000	4,290,000
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
1	Administration, Operation and Maintenance including payment or remuneration, subject to the approval of the Governor in Council and notwithstanding the <i>Civil Service Act</i> , in connection with the assignment by the Canadian Government of Canadians to the staffs of the International Organizations detailed in the Estimates, and authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of those Organizations of such expenses, and authority, notwithstanding the <i>Civil Service Act</i> , for the appointment and fixing of salaries of Commissioners (International Commissions for Supervision and Control in Indochina), Secretaries and staff by the Governor in Council; assistance and repatriation of distressed Canadian citizens and persons of Canadian domicile abroad, including their dependents; Canadian participation in the Commonwealth Arts Festival to be held in Britain in the Fall of 1965; payment to the Roosevelt Campobello International Park Commission for the purposes and subject to the provisions of the <i>Act respecting the Commission established to administer the Roosevelt Campobello International Park</i> ; a cultural relations and academic exchange program with the French community, and grants as detailed in the Estimates.....	13,176,800	
5	Representation Abroad—Operational—including authority, notwithstanding the <i>Civil Service Act</i> , for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council.....	16,865,000	
10	Representation Abroad—Construction, acquisition or improvement of Buildings, Works, Land, Equipment and Furnishings.....	2,276,000	
15	Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to pay such amounts as are specified in U.S. dollars notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1964, which is.....	12,517,000	
20	Other payments to International Organizations and Programs, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1964, which is.....	1,095,500	
25	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1964, which is.....	10,063,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS (Concluded)		
	A—DEPARTMENT (Concluded)		
	External Aid Office—		
30	Salaries and Expenses.....	1,251,600	
35	Economic, technical, educational and other assistance as detailed in the Estimates.....	75,600,000	132,844,900
	B—INTERNATIONAL JOINT COMMISSION		
40	Salaries and Expenses of the Commission and Canada's share of the expenses of studies, surveys and investigations of the Commission.....		179,500
	FINANCE		
	ADMINISTRATION		
1	Departmental Administration including administration of the Guaranteed Loans Acts, the salaries and expenses of the Inspector General of Banks' Office, and grants as detailed in the Estimates.....	3,862,800	
	SUBSIDIES AND OTHER PAYMENTS TO PROVINCES		
5	Payments, computed in accordance with terms and conditions approved by the Governor in Council, to the Government of each Province, in respect of income tax paid by cor- porations whose main business is the distribution to or generation for distribution to the public of electrical energy gas or steam; the said payments to be made in respect of such part of the income of the corporations for the taxation year ending in the calendar year 1963 (as determined under and for the purposes of the <i>Income Tax Act</i>) as is derived from the said distribution or generation in the Province to which payment is made.....	8,500,000	
	MUNICIPAL GRANTS		
10	Grants to Municipalities in accordance with the <i>Municipal Grants Act</i> and Regulations made thereunder.....	33,000,000	
	GOVERNMENT ADMINISTRATION		
15	Contingencies—Subject to the approval of the Treasury Board, (a) to supplement the payroll provisions of other votes; (b) for miscellaneous minor or unforeseen expenses; and (c) for awards under the <i>Public Servants Inventions Act</i> ; including authority to re-use any sums repaid to this appropriation from other appropriations.....	6,000,000	
18	Government's contribution to the Superannuation Account as a result of the authorization of salary increases, each one of which was applicable to at least that percent of the con- tributors under the <i>Public Service Superannuation Act</i> , during the 1963-64 and 1964-65 fiscal years, as may be prescribed by the Treasury Board, in such amount as, in the opinion of the Minister of Finance, is necessary to provide for one-fifth of the cost to Her Majesty in right of Canada for the benefits payable under that Act, as a result of the said salary increases.....	10,000,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE (Concluded)		
	GOVERNMENT ADMINISTRATION (Concluded)		
20	Government's share of surgical-medical insurance premiums and Government's contributions to pension plans and death benefit plans for employees engaged locally outside Canada who are excluded from the <i>Public Service Superannuation Act</i> , to the Unemployment Insurance Fund in respect of Government employees paid through the Central Pay Office and to the Hospital Insurance (Outside Canada) Plan.....	11,340,000	
	COMPTROLLER OF THE TREASURY		
25	Administration, including the administration of the Superannuation and Retirement Acts.....	25,077,400	
	TARIFF BOARD		
30	Administration.....	312,800	
	ROYAL CANADIAN MINT		
35	Administration, Operation and Maintenance.....	2,701,000	
40	Construction or Acquisition of Equipment.....	480,300	
	MUNICIPAL DEVELOPMENT AND LOAN BOARD		
45	Administration.....	218,000	
			101,490,300
	FISHERIES		
1	Departmental Administration including grants and contributions as detailed in the Estimates.....	1,387,000	
	FISHERIES MANAGEMENT AND DEVELOPMENT		
5	Operation and Maintenance including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry.....	14,557,000	
10	Construction or Acquisition of Buildings, Works, Land and Equipment including acquisition of land for the International Pacific Salmon Fisheries Commission, as required by Article VIII of the Convention.....	2,761,000	
15	Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	1,710,000	
	FISHERIES RESEARCH BOARD OF CANADA		
20	Administration, Operation and Maintenance including an amount of \$100,000 for grants for Fisheries Research and for Scholarships and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research	6,906,000	
25	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,100,000	
			29,421,000

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FORESTRY		
1	Departmental Administration.....	1,027,500	
3	Construction of extension to Research Laboratory in Pointe Claire, Quebec, for use by the Pulp and Paper Research Institute of Canada.....	1,700,000	
5	Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates.....	7,910,000	
10	Freight Assistance on Western Feed Grains including assistance in respect of grain storage costs in accordance with terms and conditions prescribed by the Governor in Council.....	19,500,000	
	FORESTRY		
15	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	8,885,600	
20	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,722,000	
	RURAL DEVELOPMENT		
25	Agricultural Rehabilitation and Development Act Program and Maritime Marshland Rehabilitation Act Program—Administration, Operation and Maintenance.....	798,500	
30	Agricultural Rehabilitation and Development Act Program and Maritime Marshland Rehabilitation Act Program—Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Province of New Brunswick of the cost of the Petitcodiac River Dam Project.....	848,900	
35	Payments in respect of projects and programs under the <i>Agricultural Rehabilitation and Development Act</i> , and payments to Provinces pursuant to agreements entered into under that Act.....	16,880,000	59,272,500
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
1	Office of the Secretary to the Governor General.....	308,200	
5	To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as detailed in the Estimates.....	142,500	450,700
	INDUSTRY		
1	Departmental Administration, including grants as detailed in the Estimates.....	6,007,600	
5	To sustain technological capability in Canadian industry by supporting selected defence development programs, on terms and conditions approved by Treasury Board, and to authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , total commitments of \$60,000,000 for the foregoing purposes during the current and subsequent fiscal years.....	25,000,000	31,007,600

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	INSURANCE		
1	Departmental Administration.....		950,400
	JUSTICE		
	LEGAL AND OTHER SERVICES		
1	Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory.....	2,504,300	
5	<i>Combines Investigation Act</i> —Administration.....	837,500	
	CORRECTIONAL SERVICES		
10	Administration, Operation and Maintenance including compensation to discharged inmates permanently disabled while in Penitentiaries.....	28,207,400	
15	Construction or acquisition of Buildings, Works, Land and Equipment.....	25,622,000	
			57,171,200
	LABOUR		
1	General Administration, including grants as detailed in the Estimates; the expenses of the International Labour Conferences; the promotion of labour-management co-operation; the promotion of a program for the employment of the older worker; the promotion of programs for combating seasonal unemployment; the organization and use of workers for farming and related industries; and the manpower consultative service.....	4,833,500	
5	Payments to carry out the purposes of the <i>Vocational Rehabilitation and Disabled Persons Act</i> and agreements made thereunder, including undischarged commitments under previous agreements; payments to Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council for the organization and use of workers for farming and related industries; and to authorize payments in accordance with agreements entered into with the approval of the Governor in Council by the Minister of Labour with Provinces, employers and workers in respect of labour mobility and assessment incentives.....	1,280,000	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
10	Administration.....	823,900	
15	Payments to the Provinces to carry out the purposes of the <i>Technical and Vocational Training Assistance Act</i> and agreements made thereunder and payments under agreements providing for the sharing of expenditures for research projects to provide information relating to vocational training and manpower requirements.....	116,988,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR (Concluded)		
	ANNUITIES ACT		
20	Administration and Government's Contribution to Annuities Agents Pension Account in accordance with Regulations made pursuant to Vote 181, <i>Appropriation Act No. 5, 1961</i> .	1,197,300	
	GOVERNMENT EMPLOYEES COMPENSATION		
25	Administration of the <i>Government Employees Compensation Act</i> .	123,100	
	NATIONAL EMPLOYMENT SERVICE		
30	Administration of the National Employment Service, including the transfer of labour to places where employment is available and expenses incidental thereto in accordance with regulations of the Governor in Council.....	22,078,300	147,329,100
	LEGISLATION		
	THE SENATE		
	Members of the Senate—		
1	Allowance in lieu of residence to the Speaker of the Senate.	3,000	
5	General Administration.....	1,077,200	
	HOUSE OF COMMONS		
	Members of the House of Commons—		
10	Allowances in lieu of residence to the Speaker of the House of Commons, and in lieu of apartments to the Deputy Speaker of the House of Commons; allowance to the Deputy Chairman of Committees.....	6,500	
15	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates from other legislatures, including the expenses of the Inter-Parliamentary Conference to be held in Ottawa in 1965, Canada's fee for membership in the Inter-Parliamentary Union, Canada's share of the expenses of the Commonwealth Parliamentary Association including subscriptions to publications of the Association, and a grant of \$22,000 to the Canadian North Atlantic Treaty Organization Parliamentary Association.....	316,475	
20	General Administration.....	5,035,500	
	LIBRARY OF PARLIAMENT		
25	General Administration.....	482,900	6,921,575

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
1	Departmental Administration including the administration of the <i>Explosives Act</i> and Canada's fee for membership in the Pan-American Institute of Geography and History.....	2,506,600	
5	Construction or Acquisition of Buildings, Works, Land and Equipment including Common-use Field Survey Equipment.....	458,000	
	FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING		
10	Administration, Operation and Maintenance including purchases of air photography and the expenses of the Interdepartmental Committee on Air Surveys, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights, and grants as detailed in the Estimates.....	7,779,200	
	MARINE SURVEYS AND RESEARCH		
15	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	7,771,000	
20	Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,560,000	
	GEOLOGICAL RESEARCH		
25	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and \$150,000 for grants in aid of Geological Research in Canadian Universities.....	6,976,700	
30	Construction or Acquisition of Buildings, Works, Land and Equipment.....	754,000	
	MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH		
35	Administration, Operation and Maintenance including Canada's share of the cost of the Commonwealth Committee on Mineral Processing and \$50,000 for grants in aid of Mining and Mineral Processing Research in Canadian Universities..	5,736,000	
40	Construction or Acquisition of Buildings, Works, Land and Equipment.....	653,000	
	GEOGRAPHICAL SURVEYS AND RESEARCH		
45	Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union, and grants as detailed in the Estimates.....	758,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS (Concluded)		
	A—DEPARTMENT (Concluded)		
	RESEARCH IN ASTRONOMY AND GEOPHYSICS		
50	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union, and grants as detailed in the Estimates.....	2,433,800	
55	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,749,000	
	GENERAL		
60	Polar Continental Shelf Project.....	1,657,200	42,792,500
	B—DOMINION COAL BOARD		
65	Administration and Investigations of the Dominion Coal Board	183,000	
70	Subventions in respect of eastern coal under agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	600,000	783,000
	NATIONAL DEFENCE		
1	Departmental Administration, including grants to Military Associations, Institutes and other organizations as detailed in the Estimates and authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , and subject to allotment by the Treasury Board, for total commitments of \$2,560,546,715 for the purposes of Votes 1, 5, 15, 20, 25, 30, 35, 40 and 45 of this Department regardless of the year in which such commitments will come in course of payment (of which it is estimated that \$1,044,262,000 will come due for payment in future years) and authority to make recoverable advances under any of the said Votes and, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year in respect of assistance rendered to the United Nations, any party of the North Atlantic Treaty Organization or any provincial or municipal government.....	5,204,855	
	INSPECTION SERVICES		
5	Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Equipment.....	7,395,860	
	DEFENCE SERVICES		
15	Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment for the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force and \$1,850,000 for grants to the Town of Oromocto.....	1,382,244,000	
	DEFENCE RESEARCH AND DEVELOPMENT		
20	Defence Research Board—		
25	Operation and Maintenance.....	27,153,000	
	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,569,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL DEFENCE (Concluded)		
	DEFENCE RESEARCH AND DEVELOPMENT (Concluded)		
30	To foster defence research in Canadian industry by supporting selected defence applied research programs, on terms and conditions approved by the Treasury Board.....	5,788,000	
35	Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scientific research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board.....	2,990,000	
40	Development.....	21,640,000	
	MUTUAL AID		
45	Contributions to infrastructure and the military costs of the North Atlantic Treaty Organization and the transfer of defence equipment and supplies and the provision of services and facilities for defence purposes in accordance with section 3 of the <i>Defence Appropriation Act, 1950</i> , not exceeding a total of \$32,050,000 including the present value of defence equipment or supplies or the cost of services made available by the Canadian Forces estimated in the amount of \$7,425,000 and provided by appropriations for those Forces in the current and former years in respect of which, notwithstanding sub-section (3) of section 3 of the said Act, no amount shall be charged to this appropriation or paid into a special account; Provided by this vote.....	24,625,000	
	GENERAL		
48	To authorize, notwithstanding the <i>Financial Administration Act</i> and section 11 of the <i>Surplus Crown Assets Act</i> , the payment into a special account in the Consolidated Revenue Fund of: (a) all revenues received during the current and subsequent fiscal years from the sale of surplus materials, supplies and equipment, and (b) revenues received during the current and subsequent fiscal years from the sale during the current fiscal year of surplus buildings, works and land not exceeding an aggregate amount of \$5,000,000, and expenditures from the special account during the current and subsequent fiscal years, subject to the approval of Treasury Board, for any of the purposes of the Department of National Defence.....	1	
	PENSIONS AND OTHER BENEFITS		
50	Civil Pensions as detailed in the Estimates and to authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payments to their dependents of amounts equal to the amounts such dependents would have received under the <i>Pension Act</i> , as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organization.....	7,153	
			1,482,616,869

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL FILM BOARD		
1	Administration, Production and Distribution of Films and Other Visual Materials.....	6,272,500	
5	Acquisition of Equipment.....	407,700	6,680,200
	NATIONAL GALLERY OF CANADA		
1	Administration, Operation and Maintenance including the payment of \$300,000 to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the <i>National Gallery Act</i> , and grants as detailed in the Estimates.....		1,462,000
	NATIONAL HEALTH AND WELFARE		
	ADMINISTRATION		
1	Departmental Administration.....	2,330,100	
	HEALTH SERVICES		
5	Administration, Operation and Maintenance, including grants as detailed in the Estimates.....	7,175,200	
10	To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current year not to exceed a total amount of \$40,012,960.....	32,000,000	
15	To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current year not to exceed a total amount of \$28,073,332.....	20,000,000	
	MEDICAL SERVICES		
20	Administration, Operation and Maintenance including authority to make recoverable advances in amounts not exceeding in the aggregate the total of all amounts to be paid by the Governments of Provinces and Territories under agreements to be entered on terms approved by the Governor in Council with such Governments in respect of health assistance to persons residing on Indian Reserves other than Indians and to residents of the Territories other than Indians and Eskimos.....	32,002,500	
25	Construction or Acquisition of Buildings, Works, Land and Equipment including payments to hospitals and other institutions which care for Indians and Eskimos as contributions toward the construction of hospitals and related facilities..	5,050,000	
	FOOD AND DRUG SERVICES		
30	Administration, Operation and Maintenance.....	4,883,000	
35	Construction or Acquisition of Equipment.....	265,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL HEALTH AND WELFARE (Concluded)		
	WELFARE SERVICES		
40	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	4,762,000	
41	Family Assistance under such terms and conditions as may be approved by the Treasury Board, in respect of children of immigrants and settlers (formerly under Citizenship and Immigration).....	2,300,000	
45	National Welfare Grants—To authorize on terms and conditions approved by the Governor in Council, National Welfare Grants to Provinces and Welfare Agencies including Schools of Social Work, and to individuals in the form of scholarships and fellowships.....	1,500,000	112,267,800
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
1	Salaries and Other Expenses.....	27,973,900	
5	Construction or Acquisition of Buildings, Works, Land and Equipment.....	6,700,000	
10	Scholarships and Grants in Aid of Research.....	30,700,000	
15	Assistance towards Research in Industry under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current year not to exceed a total amount of \$4,500,000.....	3,500,000	68,873,900
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE		
1	General Administration, Operation and Maintenance, including authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year from firms and individuals requiring special services.....	45,485,600	
	TAXATION		
5	General Administration and District Offices.....	46,278,100	
	TAX APPEAL BOARD		
10	Administration Expenses.....	152,500	91,916,200
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	ADMINISTRATION AND GENERAL		
1	Departmental Administration including a contribution to the Canadian Council of Resource Ministers in an amount equal to one-half the aggregate contribution of the Provinces but not exceeding \$55,000 and \$145,000 for grants for northern research and for northern scientific research expeditions....	1,817,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES (Continued)		
	ADMINISTRATION AND GENERAL (Concluded)		
5	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, to assist in the development of roads leading to resources.....	6,665,000	
10	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments..	75,000	
	NATIONAL PARKS		
15	Administration, Operation and Maintenance including wildlife resources conservation and development, administration of the <i>Migratory Birds Convention Act</i> and payments to land owners who maintain migratory bird habitat in accordance with agreements entered into on terms and conditions approved by the Governor in Council, payment to the National Battlefields Commission for the purposes and subject to the provisions of an <i>Act respecting the National Battlefields at Quebec</i> and grants as detailed in the Estimates.....	13,551,000	
20	Construction or Acquisition of Buildings, Works, Land and Equipment.....	15,002,000	
	WATER RESOURCES		
30	Administration, Operation and Maintenance including Canada's share of the expenses of the International Executive Council, World Power Conference, and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Province of Manitoba and of the Province of Ontario of the costs of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys.....	3,638,000	
35	Construction or Acquisition of Buildings, Works, Land and Equipment and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of shares of provincial and outside agencies of the cost of hydrometric surveys.....	989,400	
40	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....	9,400,000	
	NORTHERN ADMINISTRATION		
45	Administration, Operation and Maintenance, including grants and contributions as detailed in the Estimates, authority to make recoverable advances for services performed on behalf of the Governments of the Northwest Territories and the Yukon Territory, authority to sell electric power and fuel oil (and to provide services in respect thereof), in accordance with terms and conditions approved by the Governor in Council, to private consumers in remote locations where alternative local sources of supply are not available and to authorize the Minister of Northern Affairs and National Resources to provide in respect of Eskimo commercial activities for the instruction and supervision of Eskimos, the furnishing of materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods.....	27,008,700	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES (Concluded)		
	NORTHERN ADMINISTRATION (Concluded)		
50	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expenditures on education and vocational training, authority to make recoverable advances in respect of services provided and work performed on other than federal property when only the Department is capable of performing such service or work, and authority for a program of construction or acquisition of housing for Eskimos and the sale of houses to Eskimos on such terms and conditions and at such prices as the Governor in Council may approve.....	14,155,800	92,301,900
	POST OFFICE		
1	Postal Services including Canada's share of the upkeep of the International Bureaux at Berne and Montevideo.....		221,303,000
	PRIVY COUNCIL		
1	Maintenance and Operation of the Prime Minister's Residence..	32,500	
	PRIVY COUNCIL OFFICE		
	Ministers without Portfolio—		
5	Payment, notwithstanding anything in the <i>Financial Administration Act</i> or the <i>Senate and House of Commons Act</i> respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the <i>Senate and House of Commons Act</i> is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of \$7,500 per annum and pro rata for any period less than a year.....	7,500	
10	General Administration.....	1,098,400	
15	Expenses of the Royal Commissions listed in the Details of the Estimates and the expenses of the Preparatory Committee on Collective Bargaining in the Public Service.....	3,104,300	4,242,700
	PUBLIC ARCHIVES AND NATIONAL LIBRARY		
	A—PUBLIC ARCHIVES		
1	General Administration and Technical Services.....		1,068,600
	B—NATIONAL LIBRARY		
5	General Administration including a payment of \$100,000 to the National Library Purchase Account for the purpose of acquiring books, in conformity with section 12 of the <i>National Library Act</i>		683,500

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC PRINTING AND STATIONERY		
1	Departmental Administration.....	223,100	
5	Printing, Binding and Distribution of Official Documents and Publications for sale and distribution to Departments and the Public including the <i>Canada Gazette</i> and the Annual Statutes, and the purchase for sale of such other publications and related material as the Treasury Board may approve..	3,154,400	3,377,500
	PUBLIC WORKS		
	A—DEPARTMENT		
1	General Administration, including grants as detailed in the Estimates.....	14,892,700	
	ACCOMMODATION SERVICES		
5	Maintenance and operation of public buildings and grounds, acquisition of furniture and furnishings for government departments, and authority to provide assistance to (a) the International Civil Aviation Organization in the form of office accommodation at less than commercial rates and (b) the Ottawa Civil Service Recreation Association in the form of maintenance services in respect of the W. Clifford Clark Memorial Centre in Ottawa.....	61,280,800	
10	Acquisition of equipment and furnishings other than office furnishings.....	1,354,000	
15	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates...	34,025,000	
	HARBOURS AND RIVERS		
	ENGINEERING SERVICES		
20	Operation and Maintenance.....	6,982,300	
25	Construction or Acquisition of Equipment.....	1,161,500	
30	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates.....	25,762,000	
	ROADS, BRIDGES AND OTHER		
	ENGINEERING SERVICES		
35	Operation and Maintenance including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the operating expenses of the New Westminster Bridge.....	6,224,400	
40	Construction, acquisition, major repairs and improvements of, and plans and sites for roads, bridges and other engineering works provided that the amounts within the Vote to be expended on individually listed projects may be increased or decreased subject to the approval of Treasury Board.....	6,400,000	
50	Trans-Canada Highway— Construction through National Parks.....	515,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS (Concluded)		
	A—DEPARTMENT (Concluded)		
	TESTING LABORATORIES		
55	Operation and Maintenance.....	1,146,000	
	1967 WORLD EXHIBITION		
57	Towards Federal share of the cost of construction of an ice control structure.....	6,750,000	166,493,700
	B—NATIONAL CAPITAL COMMISSION		
60	Operation and Maintenance, General Administration and interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region.....	6,809,000	
65	Payment to the National Capital Fund.....	12,100,000	18,909,000
	ROYAL CANADIAN MOUNTED POLICE		
	National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under contract—		
1	Administration, Operation and Maintenance including grants as detailed in the Estimates and pensions to families of members of the Royal Canadian Mounted Police who have lost their lives while on duty.....	64,370,494	
5	Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,908,000	68,278,494
	SECRETARY OF STATE		
	A—DEPARTMENT		
1	Departmental Administration.....	481,600	
5	Companies and Corporations Branch.....	160,600	
10	Translation Bureau.....	2,497,900	
	NATIONAL MUSEUM OF CANADA		
15	Administration, Operation and Maintenance including a grant of \$5,000 to the Canadian Museums Association.....	1,707,400	
	PATENT AND COPYRIGHT		
20	Patent Division, Copyright and Industrial Designs Division and Trade Marks Office including contributions to the International Office for the Protection of Literary and Artistic Works and the International Office for the Protection of Industrial Property and authority for the Governor in Council, notwithstanding the Patent Act, to prescribe the fees payable for the registration of assignments and other documents, which fees shall be deemed for the purposes of the <i>Patent Act</i> to be the fees set forth in section 75 thereof..	3,171,900	8,019,400

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	SECRETARY OF STATE (Concluded)		
	B—CENTENNIAL COMMISSION		
25	General Administration, including the National Conference on the Centennial of Confederation.....	1,360,000	
30	Programs and Projects of National Significance including grants towards such Programs and Projects.....	6,876,500	
35	Payment to the Centennial of Confederation Fund to enable grants to be made to the Provinces for local projects of a lasting nature (the total of such grants made from the said Fund not to exceed \$18,935,000) and to enable grants to be made to the Provinces for projects included in the Federal Provincial Confederation Memorial Program.....	9,000,000	17,236,500
	C—ECONOMIC COUNCIL OF CANADA		
40	Administration.....		990,000
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
1	Departmental Administration including fees for membership in the International Organizations listed in the Details of the Estimates.....	5,664,700	
	Trade Commissioner Service—		
5	Administration, Operation and Maintenance.....	7,173,000	
10	Exhibitions Branch.....	2,591,700	
15	Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of \$37,000 to the Canadian Tourist Association.....	6,290,600	
	STANDARDS BRANCH		
20	Administration and Operation.....	3,602,700	
	DOMINION BUREAU OF STATISTICS		
25	Administration and Operation including the fee for membership in the Inter-American Statistical Institute and a contribution of \$500 to the International Statistical Institute.....	14,298,000	
26	1961 Decennial Census of Canada.....	285,200	
27	1966 Quinquennial Census of Canada.....	1,113,800	
	1967 WORLD EXHIBITION		
29	Canadian Government Participation in the 1967 World Exhibition, Montreal.....	9,540,500	50,560,200
	B—NATIONAL ENERGY BOARD		
30	Administration.....		954,000

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT		
	A—DEPARTMENT		
1	Departmental Administration.....	4,862,900	
	MARINE SERVICES		
5	Administration, Operation and Maintenance including fees for membership in the international organizations listed in the details of the Estimates, pensions, grants and contributions as detailed in the Estimates, the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the <i>Canada Shipping Act</i> and, in respect of the Canadian Coast Guard Service, authority to make recoverable advances for transportation, stevedoring and other shipping services performed on behalf of individuals, outside agencies and other governments and authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year not to exceed a total amount of \$24,689,500.....	41,512,600	
10	Construction or Acquisition of Buildings, Works, Land, Vessels and Equipment including payments to Provinces or Municipalities as contributions towards construction done by those bodies and to authorize, in respect to Aids to Navigation, notwithstanding section 30 of the <i>Financial Administration Act</i> , the making of commitments for the current fiscal year not exceeding a total amount of \$6,699,400.....	42,155,000	
	RAILWAYS AND STEAMSHIPS		
15	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1965 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.—Bar Harbor, Maine, U.S.A., Ferry Service.....	14,778,400	
20	Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects.....	20,065,600	
25	Payments in respect of the <i>Maritime Freight Rates Act</i> and for supplemental pension allowances to railway employees in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	15,140,000	
	AIR SERVICES		
30	Administration, Operation and Maintenance including the administration of the <i>Aeronautics Act</i> and Regulations issued thereunder, the administration of the <i>Radio Act</i> and Regulations issued thereunder, Canada's share of the costs of the international radio, telegraph and telephone organizations listed in the Details of the Estimates, Canada's assessment for membership in the World Meteorological Organization, \$110,000 for grants in aid of meteorological research in Canadian universities and Canada's share of the cost of the World Meteorological Organization Symposium on Design of Hydrometeorological Networks..	97,637,700	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Continued)		
	A—DEPARTMENT (Concluded)		
	AIR SERVICES (Concluded)		
35	Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities, contributions towards construction done by local or private authorities with respect to such airports, amounts to be paid in settlement of claims for compensation by persons whose property is injuriously affected by the operation of a zoning regulation made under authority of paragraph (j) of subsection (1) of section 4 of the <i>Aeronautics Act</i> , and authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year not to exceed, for Airports and other Ground Services a total amount of \$30,878,100, for Radio Aids to Air and Marine Navigation a total amount of \$14,854,000, and for Meteorological Services a total amount of \$2,745,300.....	41,906,000	
40	Contributions to assist in the establishment or improvement of local airports and related facilities, payments to the other Governments or International Agencies that are detailed in the Estimates for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the estimated equivalent in Canadian dollars, grants as detailed in the Estimates for the development of civil aviation and payments to the Canadian National Railway Company of the difference between revenues and expenses in the operation and maintenance of telecommunication facilities as detailed in the Estimates in accordance with agreements entered into with the Company with the approval of the Governor in Council.....	1,370,300	279,428,500
	B—AIR TRANSPORT BOARD		
75	Salaries and Other Expenses.....		777,200
	C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
80	Administration, Operation and Maintenance.....	1,477,000	
82	Amount to be credited to the Railway Grade Crossing Fund, in addition to the amount to be credited to the Fund under the <i>Railway Act</i> in the current fiscal year, for the general purposes of the Fund and, notwithstanding section 30 of the <i>Financial Administration Act</i> , to authorize an increase to \$34,967,000 in the commitments (in addition to any commitments in respect of which amounts are appropriated under this or any other Act) that may be made in the current and subsequent fiscal years.....	9,000,000	10,477,000
	D—CANADIAN MARITIME COMMISSION		
85	Administration of the Commission and the degaussing of Canadian Government Ships and Canadian-owned merchant ships, of 3,000 gross tons to 20,000 gross tons, of Canadian registry or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement.....	395,800	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Concluded)		
	D—CANADIAN MARITIME COMMISSION (Concluded)		
90	Steamship Subventions for Coastal Services, as detailed in the Estimates.....	8,549,006	
95	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	25,000,000	33,944,806
	E—NATIONAL HARBOURS BOARD		
100	Advances to National Harbours Board, subject to the pro- visions of section 29 of the <i>National Harbours Board Act</i> , to meet reconstruction and capital expenditures during the Calendar year 1965 as detailed in the Estimates.....	1,487,900	
103	To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967 and to provide, notwithstanding sections 28 and 29 of the <i>National Harbours Board Act</i> , for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account.....	3,823,000	5,310,900
	F—ST. LAWRENCE SEAWAY AUTHORITY		
105	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council, and to authorize, notwithstanding the <i>Financial Administration Act</i> or any other Act, the disbursement by the Authority of revenues derived from the operation and management of such Canals and Works.....		2,698,000
	G—ATLANTIC DEVELOPMENT BOARD		
110	Administration and Operation.....	923,500	
112	To authorize expenditures, in the current and subsequent fiscal years, not exceeding in the aggregate \$30,000,000 as the federal share of costs of a trunk highway program for the Provinces of Newfoundland, Nova Scotia, Prince Edward Island and New Brunswick in accordance with agreements entered into by the Atlantic Development Board and the respective Provinces; estimated expenditures in 1965-66....	10,000,000	10,923,500
	UNEMPLOYMENT INSURANCE COMMISSION		
1	Administration of the Unemployment Insurance Act.....		32,689,400
	VETERANS AFFAIRS		
1	Departmental Administration.....	6,694,000	
	WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS		
5	Administration, including the expenses of the War Veterans Allowance Board, and Grants as detailed in the Estimates.....	4,187,700	
10	War Veterans Allowances, Civilian War Allowances and Assist- ance in accordance with the provisions of the Assistance Fund (War Veterans Allowances) Regulations.....	106,127,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	VETERANS AFFAIRS (Concluded)		
	WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Concluded)		
15	Other Benefits including treatment and related allowances, burials and memorials, the training of certain pensioners under regulations approved by the Governor in Council and repayments under subsection (3) of section 12 of the <i>Veterans' Rehabilitation Act</i> in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the <i>Veterans' Land Act</i> , or where, having had financial assistance under the <i>Veterans' Land Act</i> , are deemed by the Minister on termination of their <i>Veterans' Land Act</i> contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments.....	5,678,000	
	PENSIONS		
20	Administration.....	2,798,200	
25	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the <i>Pension Act</i> ; Newfoundland Special Awards, and Gallantry Awards (World War II and Special Force).....	184,079,000	
	TREATMENT SERVICES		
30	Operation and Maintenance including authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year for hospital, prosthetic and related services.....	47,228,000	
35	Hospital Construction, Improvements, Equipment and Acquisition of Land.....	3,006,000	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
40	Administration of <i>Veterans' Land Act</i> ; Soldier Settlement and British Family Settlement; upkeep of property, <i>Veterans' Land Act</i> , including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the <i>Veterans' Land Act</i> and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein.....	4,322,400	
45	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the <i>Veterans' Land Act</i> , grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Northern Affairs and National Resources under section 38 of the <i>Veterans' Land Act</i> and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the <i>Veterans' Land Act</i>	145,000	
			364,265,300

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	ATOMIC ENERGY OF CANADA LIMITED		
L5	Advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of the Douglas Point Generating Station; to share in the construction of the Pickering Generating Station under agreement between the Federal Government, the Province of Ontario and the Hydro Electric Power Commission of Ontario; to finance the construction of an engineering design office at Sheridan Park; to finance the construction of housing and other works near the Whiteshell Nuclear Research Establishment; and to authorize Central Mortgage and Housing Corporation to undertake construction of the said housing and other works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited....	12,162,000	
	CANADIAN BROADCASTING CORPORATION		
L10	Loans to the Canadian Broadcasting Corporation for the purpose of capital expenditures subject to terms and conditions prescribed by the Governor in Council.....	14,000,000	
	EXTERNAL AFFAIRS		
	External Aid Office		
L25	Special loan assistance for developing countries in the current and subsequent fiscal years, subject to such terms and conditions as the Governor in Council may approve, for the purpose of undertaking such economic, educational and technical projects as may be agreed upon by Canada and the developing countries or recognized international development institutions.....	50,000,000	
	NATIONAL DEFENCE		
L30	To authorize in the current and subsequent fiscal years, under such terms and conditions as the Governor in Council prescribes, a capital assistance loan to the Town of Oromocto, New Brunswick, to be covered by town debentures, for the purpose of assisting in completion of the physical development of municipal works and the further development of the Town's assets.....	150,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	Northern Administration Branch		
L50	To authorize loans to the Government of the Northwest Territories, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council, to assist in the design and construction of a water and sewer system at Hay River, Northwest Territories.....	840,000	

SCHEDULE A—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Concluded)		
	NORTHERN AFFAIRS AND NATIONAL RESOURCES (Concluded)		
	Northern Canada Power Commission		
L55	Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with section 15 of the <i>Northern Canada Power Commission Act</i>	3,630,000	
L60	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	19,858,000	
	PUBLIC WORKS		
	National Capital Commission		
L70	Loans to the National Capital Commission in accordance with section 16 of the <i>National Capital Act</i> for the purpose of acquiring property in the National Capital Region, excluding property being acquired for the purpose of establishing what is commonly referred to as the "Greenbelt".....	9,000,000	
	TRANSPORT		
	Canadian Overseas Telecommunication Corporation		
L80	Loan to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the <i>Canadian Overseas Telecommunication Corporation Act</i> for additions and betterments to facilities.....	13,334,000	
	National Harbours Board		
L85	Advances to National Harbours Board, subject to the provisions of section 29 of the <i>National Harbours Board Act</i> , to meet expenditures applicable to the calendar year 1965 on any or all of the following accounts:		
	Reconstruction and Capital Expenditures—		
	Montreal.....	\$ 8,471,800	
	Vancouver.....	6,449,000	
		\$14,920,800	
	Less—Amount to be expended from Replacement and Other Funds.....	\$ 9,500,000	
		5,420,800	
	St. Lawrence Seaway Authority		
L90	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve.....	19,000,000	
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans' Land Act		
L95	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the <i>Soldier Settlement Act</i> and the <i>Veterans' Land Act</i>	34,600,000	
			181,994,800
			*4,362,630,844

* Net total \$356,752,570.28.

SCHEDULE B

Based on the Supplementary Estimates (B), 1965-66. The amount hereby granted is \$18,199,163.24, being the total of the amounts of the items in the said Estimates (less reduction of \$5,000,000 in Loans, Investments and Advances Item L28b which has been repealed by Item L28d) as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 6, 1965* and the *Appropriation Act No. 1, 1966*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1966, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING		
15b	Administration, Operation and Maintenance including the administration of the <i>Agricultural Stabilization Act</i> —To extend the purposes of Vote 15 of the Main Estimates for 1965-66 to include administration of the supplementary dairy payment program and to provide a further amount of.....	172,000	
17b	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	21,000,000	
	Animal and Animal Products		
25b	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	107,000	
	Plant and Plant Products		
35b	Grants, Contributions and Subsidies as detailed in the Estimates.....	350,000	
	HEALTH OF ANIMALS		
40b	Administration, Operation and Maintenance.....	280,000	
	BOARD OF GRAIN COMMISSIONERS		
50b	Administration, Operation and Maintenance.....	475,000	
			22,384,000
	BOARD OF BROADCAST GOVERNORS		
1b	Salaries and Other Expenses.....		100,000
	CITIZENSHIP AND IMMIGRATION		
1b	Departmental Administration.....	99,600	
	CITIZENSHIP		
5b	Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion.....	25,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION (Concluded)		
	INDIAN AFFAIRS		
15b	Administration, Operation and Maintenance including expenditures on works on other than federal property, grants, contributions and special payments including those specified in the sub-vote titles in the Estimates.....	220,000	344,600
	CIVIL SERVICE COMMISSION		
1b	Salaries and Contingencies of the Commission.....		61,500
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
5b	For the establishment of production capacity and for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to the approval of Treasury Board.....		440,000
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
1b	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	267,100	
15b	Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates.....	1,750,000	2,017,100
	FINANCE		
	ADMINISTRATION		
1b	Departmental Administration including administration of the Guaranteed Loans Acts—To extend the purposes of Finance Vote 1 of the Main Estimates, 1965-66, to include the payment of service fees to the Provinces, as described in the Details of Estimates, the grant detailed in these Estimates and to provide a further amount of.....	141,500	
	MUNICIPAL GRANTS		
10b	Grants to Municipalities—To extend the purposes of Finance Vote 10 of the Main Estimates, 1965-66, to authorize a grant to the Corporation of the City of Ottawa in accordance with terms and conditions prescribed by the Governor in Council with respect to buildings owned by Her Majesty in right of Canada and situate in the City of Ottawa in lieu of redevelopment charges imposed upon owners of buildings erected or enlarged under building permits issued after May 2, 1960 and to provide a further amount of.....	3,850,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE (Concluded)		
	GOVERNMENT ADMINISTRATION		
15b	Contingencies—Subject to the approval of the Treasury Board. (a) to supplement the payroll provisions of other votes; (b) for miscellaneous minor or unforeseen expenses; and (c) for awards under the <i>Public Servants Inventions Act</i> ; including authority to re-use any sums repaid to this appropriation from other appropriations.....	35,000,000	
19b	To deem, for the purposes of subsection (4) of section 11 of the <i>Public Service Superannuation Act</i> , Mrs. E. T. Pettie to have been employed in the Public Service substantially without interruption for a period of five years immediately before her retirement therefrom.....	1	
21b	To authorize, with effect from April 1, 1965, payment in the current and subsequent fiscal years of an annuity under the Locally Engaged (Non-contributory) Pension Regulations in respect of Hilda L. Waddell as if, upon her retirement from employment, she was an employee within the meaning of the said Regulations on July 1, 1961, and to repeal, with effect from April 1, 1965, Vote 95 of <i>Appropriation Act No. 5, 1959</i>	1	
	ROYAL CANADIAN MINT		
35b	Administration, Operation and Maintenance.....	165,500	
40b	Construction or Acquisition of Equipment.....	107,200	
	MUNICIPAL DEVELOPMENT AND LOAN BOARD		
50b	To authorize the Municipal Development and Loan Board in the current and subsequent fiscal years, in cases where a municipal project, in respect of which a loan is approved by the Board under the <i>Municipal Development and Loan Act</i> , is not completed on or before the 31st day of March, 1966, to forgo payment of 25 per cent of that portion of the principal amount of the loan that is advanced after the 31st day of March, 1966, with respect to the costs, as determined by the Board, incurred on the project on or before that date.....	10,000,000	49,264,202
	FISHERIES		
	FISHERIES MANAGEMENT AND DEVELOPMENT		
5b	Operation and Maintenance including Canada's share of expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry.....	2,121,200	
10b	Construction or Acquisition of Buildings, Works, Land and Equipment.....	632,000	
15b	Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	2,150,000	
	FISHERIES RESEARCH BOARD OF CANADA		
20b	Administration, Operation and Maintenance.....	388,300	5,291,500

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FORESTRY		
5b	Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates.....	675,000	
	GENERAL		
11b	Payment in respect of extra costs resulting from unloading the <i>S.S. Wheat King</i> at Quebec while en route to deliver grain at Halifax (Revote).....	58,400	733,400
	INDUSTRY		
10b	To advance the technological capability of Canadian manufacturing industry by supporting selected civil (non-defence) development projects on terms and conditions approved by Treasury Board and to authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , total commitments of \$20,000,000 for the foregoing purposes during the current and subsequent fiscal years.....		5,000,000
	JUSTICE		
	LEGAL AND OTHER SERVICES		
1b	Administration—To extend Justice Vote 1 of the Main Estimates, 1965-66, for the purposes set out in the sub-vote title relating to a Committee on Corrections and in the sub-vote title relating to the "Statute Revision Commission", to include grants as detailed in the Estimates and to provide a further amount of.....		224,100
	LABOUR		
1b	General Administration.....	1,065,000	
5b	Payments to carry out the purposes of the <i>Vocational Rehabilitation of Disabled Persons Act</i> and agreements made thereunder, including undischarged commitments under previous agreements; payments to Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council for the organization and use of workers for farming and related industries; and to authorize payments in accordance with agreements entered into with the approval of the Governor in Council by the Minister of Labour with Provinces, employers and workers in respect of labour mobility and assessment incentives.....	115,000	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
12b	Acquisition of the buildings, works and lands commonly known as The Mississauga Indian Village at Elliot Lake, Ontario, for the purposes of the Elliot Lake Centre for Continuing Education.....	437,000	
15b	Payments to the Provinces to carry out the purposes of the <i>Technical and Vocational Training Assistance Act</i> and agreements made thereunder and payments under agreements providing for the sharing of expenditures for research projects to provide information relating to vocational training and manpower requirements.....	42,000,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR (Concluded)		
	GOVERNMENT EMPLOYEES COMPENSATION		
25b	Administration of the <i>Government Employees Compensation Act</i>	6,000	
	NATIONAL EMPLOYMENT SERVICE		
30b	Administration of the National Employment Service—To extend the purposes of Vote 30 of the Main Estimates for 1965-66 to include a grant of \$2,500 to the Canadian Association for Adult Education to assist in defraying the expenses of a founding conference for a Canadian Guidance and Counselling Association, and to provide a further amount of	4,237,000	
35b	To authorize, in accordance with regulations approved by the Governor in Council, grants to workers who move from one place in Canada to another place in Canada where employment is available to provide for payment of (a) the actual cost of their transportation and that of their dependents, (b) the actual cost of movement of their household effects, and (c) an amount in respect of resettlement and other incidental expenses.....	5,000,000	52,860,000
	LEGISLATION		
	HOUSE OF COMMONS		
10b	Members of the House of Commons—Allowances in lieu of residence to the Speaker of the House of Commons, and in lieu of Apartments to the Deputy Speaker of the House of Commons; allowance to the Deputy Chairman of Committees.....	2,000	
20b	General Administration.....	10,000	12,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
5b	Construction or Acquisition of Buildings, Works, Land and Equipment including Common-Use Field Survey Equipment.....	215,000	
	FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING		
10b	Administration, Operation and Maintenance.....	40,000	
	MARINE SURVEYS AND RESEARCH		
20b	Construction or Acquisition of Buildings, Works, Land and Equipment.....	179,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS (Concluded)		
	A—DEPARTMENT (Concluded)		
	MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH		
35b	Administration, Operation and Maintenance.....	49,000	
40b	Construction or Acquisition of Buildings, Works, Land and Equipment.....	261,000	
	RESEARCH IN ASTRONOMY AND GEOPHYSICS		
55b	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,414,000	2,158,000
	B—DOMINION COAL BOARD		
70b	Subventions in respect of eastern coal under agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>		130,000
	NATIONAL GALLERY OF CANADA		
1b	Administration, Operation and Maintenance—To increase to \$692,900 the amount of the payment to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the <i>National Gallery Act</i>		392,900
	NATIONAL HEALTH AND WELFARE		
	WELFARE SERVICES		
40b	Administration, Operation and Maintenance.....		838,000
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
1b	Salaries and Other Expenses—To extend the purposes of Vote 1 of the Main Estimates for 1965-66 to include the making of recoverable advances not exceeding the amount of the share of the United States Government of the cost of operation of the Churchill Research Range and to provide a further amount of.....	2,141,000	
5b	Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 5 of the Main Estimates for 1965-66 to include the making of recoverable advances not exceeding the amount of the share of the United States Government of the cost of improvements to the Churchill Research Range.....	1	2,141,001

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	ADMINISTRATION AND GENERAL		
1b	Departmental Administration—To extend the purposes of Vote 1 of the Main Estimates for 1965-66 to include the grant detailed in these Estimates, to raise the limit of the contribution to the Canadian Council of Resource Ministers to an amount not exceeding \$76,919 and to provide a further amount of.....	125,719	
12b	Subventions under agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i> in respect of electric power generated from eastern coal during the fiscal year 1965-66.....	1,800,000	
	NATIONAL PARKS		
15b	Administration, Operation and Maintenance—To extend the purposes of Northern Affairs and National Resources Vote 15 of the Main Estimates for 1965-66 to include authority to make preliminary expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia and to provide a further amount of.....	130,600	
20b	Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Northern Affairs and National Resources Vote 20 of the Main Estimates for 1965-66 to include authority to make preliminary expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia.....	1	
	NORTHERN ADMINISTRATION		
45b	Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates.....	1	2,056,321
	PRIVY COUNCIL		
	PRIVY COUNCIL OFFICE		
10b	General Administration.....	257,000	
15b	Expenses of the Royal Commissions listed in the Details of Estimates.....	233,900	490,900
	PUBLIC ARCHIVES AND NATIONAL LIBRARY		
	A—PUBLIC ARCHIVES		
1b	General Administration and Technical Services.....		26,000
	B—NATIONAL LIBRARY		
5b	General Administration.....		22,500

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS		
	A—DEPARTMENT		
	ACCOMMODATION SERVICES		
5b	Maintenance and operation of public buildings and grounds, acquisition of furniture and furnishings for government departments.....	766,000	
15b	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates...	1	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
20b	Operation and Maintenance.....	600,000	
30b	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates.....	1,200,000	
	ROADS, BRIDGES AND OTHER ENGINEERING SERVICES		
40b	Construction, acquisition, major repairs and improvements of, and plans and sites for, roads, bridges and other engineering works.....	1	2,566,002
	ROYAL CANADIAN MOUNTED POLICE		
1b	National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Administration, Operation and Maintenance—To increase as detailed in these Estimates the pensions to families of members of the Royal Canadian Mounted Police who have lost their lives while on duty.....	2,130	
5b	National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Construction or Acquisition of Buildings, Works, Land and Equipment.....	814,000	816,130
	SECRETARY OF STATE		
	A—DEPARTMENT		
1b	Departmental Administration—To extend the purposes of Vote 1 of the Main Estimates for 1965-66 to include the expenses of the Committee on Broadcasting, the Committee on Feature Films and the Committee on Election Expenses, the grant detailed in these Estimates, and to provide a further amount of.....	540,000	
5b	Companies and Corporations Branch.....	6,500	
10b	Translation Bureau.....	60,000	606,500

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	SECRETARY OF STATE (Concluded)		
	B—CENTENNIAL COMMISSION		
25b	General Administration.....	582,300	
30b	Programs and projects of national significance including grants towards such programs and projects.....	3,902,800	4,485,100
	C—ECONOMIC COUNCIL OF CANADA		
40b	Administration.....		132,500
	TRADE AND COMMERCE		
	A—DEPARTMENT		
5b	Trade Commissioner Service—Administration, Operation and Maintenance.....		138,000
	TRANSPORT		
	A—DEPARTMENT		
1b	Departmental Administration.....	118,000	
	MARINE SERVICES		
5b	Administration, Operation and Maintenance—To extend the purposes of Transport Vote 5 of the Main Estimates, 1965-66, to include contributions and payments, as detailed in these Estimates, in connection with, or towards the costs of repairs, operation or maintenance of certain canal property and facilities transferred pursuant to the <i>Public Lands Grants Act</i>	781,000	
8b	To authorize in accordance with such terms and conditions as the Governor in Council may prescribe, the transfer of the assets and administration of the Pension Fund of the British Columbia Pilotage District established under the <i>Canada Shipping Act, 1934</i> , to such person as the Governor in Council may approve, and to authorize the investment of the assets of the Pension Fund, subject to the terms and conditions of the transfer, in such manner as may be determined by agreement between the person to whom the transfer is made and the Corporation of the British Columbia Coast Pilots.	1	
	RAILWAYS AND STEAMSHIPS		
20b	Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, and of Vessels and Related Equip- ment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed pro- jects—To extend the purposes of Transport Vote 20 of the Main Estimates, 1965-66, to include repairs and improve- ments to terminal facilities owned by Newfoundland.....	8,582,500	
25b	Payments in respect of the <i>Maritime Freight Rates Act</i> and for supplemental pension allowances to railway employees— To extend the purposes of Transport Vote 25 of the Main Estimates for 1965-66 to include payments to provinces as contributions, as detailed in the Estimates, to assist high- way construction related to the abandonment of railway branch lines.....	1,250,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Continued)		
	AIR SERVICES		
30b	Administration, Operation and Maintenance—To extend the purposes of Transport Vote 30 of the Main Estimates for 1965-66 to include the payment of \$7,276 to the Town of Peace River, Alberta, as an airport operating subsidy for the period October 23, 1963, to March 31, 1964, and the gifts detailed in the Estimates and to provide a further amount of.....	319,900	
35b	Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities, including authority, notwithstanding section 30, of the <i>Financial Administration Act</i> , to increase to \$16,216,500 the commitments for the current fiscal year for Radio Aids to Air and Marine Navigation.....	1	
40b	Contributions to assist in the establishment or improvement of local airports and related facilities.....	591,300	11,642,702
	C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
83b	Notwithstanding any limitation that may be contained in section 265 of the <i>Railway Act</i> , to authorize the payment of an amount not exceeding \$2,000,000 from The Railway Grade Crossing Fund to be applied towards the cost of any relocation of the Canadian Pacific Railway line in Sault Ste. Marie pursuant to an Order of the Board.....	1	
84b	To provide for balance of payments to companies subject to Order Number 96300, dated November 17, 1958, of the Board of Transport Commissioners, for Canada in respect of the period April 1, 1964, to March 31, 1965, payable to said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order.....	600,000	600,001
	D—CANADIAN MARITIME COMMISSION		
90b	Steamship Subventions for Coastal Services, as detailed in the Estimates.....	299,000	
95b	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	14,000,000	14,299,000
	E—NATIONAL HARBOURS BOARD		
100b	Advances to National Harbours Board, subject to the provisions of section 29 of the <i>National Harbours Board Act</i> , to meet reconstruction and capital expenditures during the calendar year 1965 as detailed in the Estimates.....	615,000	
103b	To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding sections 28 and 29 of the <i>National Harbours Board Act</i> , for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account.....	960,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Concluded)		
	E—NATIONAL HARBOURS BOARD (Concluded)		
104b	Payment to the National Harbours Board to be applied in payment of the deficit (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) expected to be incurred in the calendar year 1965 in the operation of the Jacques Cartier Bridge, Montreal Harbour	160,000	1,735,000
	G—ATLANTIC DEVELOPMENT BOARD		
110b	Administration and Operation.....		190,700
	LOANS, INVESTMENTS AND ADVANCES		
	AGRICULTURE		
L1b	To increase to \$335,000 the amount that may be charged at any time to the revolving fund established by Vote 539 of the <i>Appropriation Act No. 3, 1953</i> for the purpose of financing the purchase of stores for use in the construction, maintenance and operation of projects under the direction of the Prairie Farm Rehabilitation Administration; additional amount required.....	135,000	
	EXTERNAL AFFAIRS		
L21b	Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India.....	444,300	
	FINANCE		
L26b	To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to subsection 1 of Section 12 of the Canadian Corporation for the 1967 <i>World Exhibition Act</i> and to subsequently dispose thereof.....	80,000,000	
	NATIONAL DEFENCE		
L30b	To authorize, in the current and subsequent fiscal years, under such terms and conditions as the Governor in Council prescribes, a capital assistance loan to the Town of Oromocto, New Brunswick, to be covered by town debentures, for the purpose of assisting in the completion of the physical development of municipal works and the further development of the Town's assets.....	400,000	

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Concluded)		
	SECRETARY OF STATE		
L74b	To authorize the operation of a revolving fund in accordance with section 58 of the <i>Financial Administration Act</i> , for the purpose of acquiring, for resale to the public, articles related to the purposes and activities of the National Museum of Canada; the amount to be charged to the revolving fund at any time not to exceed.....	10,000	
	TRADE AND COMMERCE		
L78b	To increase to \$850,000 the amount that may be charged at any time to the special account mentioned in Vote L61e of the <i>Appropriation Act No. 4, 1964</i> , that was established for the purpose of providing working capital advances to posts and to employees on posting abroad and to departmental field offices in Canada.....	150,000	
	TRANSPORT		
	Canadian Overseas Telecommunication Corporation		
L80b	Loan to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the <i>Canadian Overseas Telecommunication Act</i> for additions and betterments to facilities.....	2,071,000	
	General		
L81b	To increase to \$10,500,000, the amount that may be charged at any time to the revolving fund mentioned in subsection (2) of section 101 of the <i>Financial Administration Act</i> , Chap. 12, Statutes of 1951 (2nd Session), and extended by Vote 630 of the <i>Appropriation Act No. 2, 1955</i> , Vote 662 of the <i>Appropriation Act No. 5, 1958</i> , Vote 710 of the <i>Appropriation Act No. 3, 1960</i> , and Vote 602 of the <i>Appropriation Act No. 5, 1961</i> ; and also to extend the purpose of the revolving fund to include the operation of departmental workshops; additional amount required.....	1,000,000	
	NATIONAL HARBOURS BOARD		
L85b	Advances to National Harbours Board, subject to the provisions of section 29 of the <i>National Harbours Board Act</i> , to meet expenditures applicable to the calendar year 1965 on any or all of the following Accounts: Reconstruction and Capital Expenditures— Trois Rivières.....\$ 48,500 Montreal.....4,980,000 \$5,028,500 Less: Amount to be expended from Re- placement and Other Funds.....\$ 48,500	4,980,000	89,190,300
			*273,389,959

* Net total \$18,199,163.24.

SCHEDULE C

Based on the Supplementary Estimates (D), 1965-66. The amount hereby granted is \$23,110,529.08, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1966*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1966, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING		
	Administration		
15d	Administration, Operation and Maintenance—To increase to \$132,000 the payment of expenses for a travelling Canadian livestock and seed exhibition outside Canada.....	32,000	
	Animal and Animal Products		
25d	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	309,000	
	Plant and Plant Products		
35d	Grants, Contributions and Subsidies as detailed in the Estimates	10,450,000	
	HEALTH OF ANIMALS		
45d	Grants, Contributions and Subsidies as detailed in the Estimates	24,500	
	LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS		
55d	Irrigation and Water Storage Projects—To extend the purposes of Agriculture Vote 55 of the Main Estimates for 1965-66 to authorize expenditures in respect of irrigating drought-stricken farms in Ontario and Quebec.....	1	10,815,501
	CITIZENSHIP AND IMMIGRATION		
	IMMIGRATION		
10d	Administration, Operation and Maintenance including Trans-Oceanic and Inland Transportation and other Assistance for Immigrants and Settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants.....	700,000	

SCHEDULE C—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION (Concluded)		
	INDIAN AFFAIRS		
	(Responsibility transferred to Minister of Northern Affairs and National Resources)		
15d	Administration, Operation and Maintenance including expenditures on works on other than federal property, grants, contributions and special payments including those specified in the sub-vote titles in the Estimates and authority to make grants and contributions pursuant to agreements entered into with the governments of the Provinces or the Territories or other groups or authorities approved of by the Governor in Council for the provision of welfare and other services to Indians.....	3,358,500	
20d	Construction or Acquisition of Buildings, Works, Land and Equipment including construction or acquisition of works for Indian Bands, the operation and control of which may be transferred to the Indian Bands at the discretion of the Minister, expenditures on works on other than federal property, assistance to Indians and Indian Bands for the construction or acquisition of housing and other buildings and related works, land and equipment and recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and the Territories and with local School Boards in respect of the education in Indian Schools of children other than Indian children.....	1,061,000	5,119,500
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
1d	Departmental Administration including the care, maintenance and custody of standby defence plants, buildings, machine tools and production tooling and grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors.....		155,000
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
1d	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	655,000	
20d	Other Payments to International Organizations and Programs as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of January, 1966, which is.....	4,290,250	
25d	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of January, 1966, which is.....	245,000	
	EXTERNAL AID OFFICE		
35d	Economic, technical, educational and other assistance as detailed in the Estimates.....	15,000,000	20,190,250

SCHEDULE C—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE		
	ADMINISTRATION		
1d	Department administration, and grants as detailed in the estimates.....	15,000	
	GOVERNMENT ADMINISTRATION		
15d	Contingencies—To extend the purposes of Finance Vote 15 of the Main Estimates for 1965-66 to supplement, in such amounts and in accordance with such terms and conditions as the Treasury Board may prescribe, the 1965-66 and 1966-67 Estimates of other Departments in order to provide for a winter construction and repair program and to provide a further amount of.....	25,000,000	
17d	Government's contribution as an employer under the Canada Pension Plan and the Quebec Pension Plan in respect of persons employed in the Public Service whose remuneration is payable out of the Consolidated Revenue Fund.....	3,550,000	
22d	To authorize with effect from April 1, 1965, payment in the current and subsequent fiscal years of an annuity under the Locally-Engaged (Non Contributory) Pension Regulations in respect to Mr. Julio Moreira as if upon retirement from employment he was an employee within the meaning of the said Regulations on July 1, 1961 and to repeal with effect from April 1, 1965, Vote 734 of <i>Appropriation Act No. 4, 1954</i>	1	23,565,001
	FISHERIES		
	FISHERIES MANAGEMENT AND DEVELOPMENT		
5d	Operation and Maintenance including Canada's share of expenses of the International Commissions detailed in the Estimates—To extend the purposes of Fisheries Vote 5 of the Main Estimates for 1965-66 to approve any agreement entered into between Canada and the United States to amend the Convention on Great Lakes Fisheries between Canada and the United States as set out in the Schedule to the <i>Great Lakes Fisheries Convention Act</i> increasing each section's membership in the Commission from three to four members and to authorize payment of the expenses of the fourth member.....	1	
10d	Construction or Acquisition of Buildings, Works, Land and Equipment.....	559,600	
15d	Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	866,000	1,425,601
	FORESTRY		
10d	Freight assistance on western feed grains including assistance in respect of grain storage costs in accordance with terms and conditions prescribed by the Governor in Council.....		1,500,000
	JUSTICE		
	LEGAL AND OTHER SERVICES		
1d	Administration, including grants and contributions as detailed in the Estimates.....	15,424	

SCHEDULE C—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	JUSTICE (Concluded)		
	CORRECTIONAL SERVICES (responsibility transferred to Solicitor General)		
15d	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,800,000	2,815,424
	LABOUR		
1d	General Administration.....	345,000	
6d	Payments in accordance with terms and conditions approved by the Governor in Council to Provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1965-66 and 1966-67 fiscal years of amounts not exceeding fifty per cent of the cost of labour incurred in the period from November 1, 1965 to such day or days in the fiscal year 1966-67 as may be determined by the Governor in Council, and in the case of projects in designated areas within the meaning of the <i>Department of Industry Act</i> and in areas determined by the Minister of Labour to be areas of high winter unemployment, sixty per cent of such cost; and to authorize payments in those fiscal years to Provinces in respect of previous Municipal Winter Works Incentive Programs.....	54,000,000	
8d	(to be administered by Citizenship and Immigration) Payments in accordance with terms and conditions approved by the Governor in Council under the Winter House Building Incentive Program during the fiscal years 1965-66 and 1966-67 of \$500 per dwelling unit substantially built during the period November 15, 1965 to April 15, 1966; and to authorize payments in those fiscal years in respect of previous Winter House Building Incentive Programs.....	17,000,000	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE (Responsibility transferred to Minister of Citizenship and Immigration)		
10d	Administration.....	35,500	
15d	To extend the purpose of Labour Vote 15 of the Main Estimates for 1965-66 to include authority for the Minister of Citizenship and Immigration to pay to or in respect of persons resident in designated areas within the meaning of the <i>Department of Industry Act</i> up to 100% of the costs, in accordance with terms and conditions approved by the Governor in Council, of (a) allowances; (b) developing experimental training methods and techniques; and (c) related activities including training programs.....	30,000	
	NATIONAL EMPLOYMENT SERVICE (Responsibility transferred to Minister of Citizenship and Immigration)		
35d	To extend the purposes of Labour Vote 35b in Supplementary Estimates (B) 1965-66, which provided for the establishment of a manpower mobility program, to authorize, in accordance with regulations approved by the Governor in Council, grants to or in respect of persons who are moved from one place in Canada to another place in Canada in connection with the manpower mobility program.....	1	71,410,501

SCHEDULE C—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	HOUSE OF COMMONS		
15d	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, and expenses connected with visits of delegates from other legislatures, including the expenses of the Inter-Parliamentary Conference to be held in Ottawa in 1965.		55,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	MARINE SURVEYS AND RESEARCH		
15d	Administration, Operation and Maintenance—To extend the purposes of Mines and Technical Surveys Vote 15 of the Main Estimates for 1965-66 to permit oceanographic and hydrographic ships to carry out work in extraterritorial waters during the fiscal years 1965-66 and 1966-67, notwithstanding the <i>Department of Mines and Technical Surveys Act</i> .	1	
	GENERAL		
62d	Payment of subsidy to San Antonio Gold Mines Limited during the 1965-66 and 1966-67 fiscal years in accordance with an agreement entered into by the Minister of Mines and Technical Surveys, with the approval of the Governor in Council, and the Government of Manitoba, the total cost of the subsidy to be borne in equal shares by the Government of Canada and the Government of Manitoba, the payments by the Government of Canada not to exceed \$45,000.	45,000	45,001
	B—DOMINION COAL BOARD		
75d	To extend the authority granted by Mines and Technical Surveys Vote 75b, <i>Appropriation Act No. 10, 1964</i> , to increase to \$22,500,000 the amount that may be expended annually in each of the five fiscal years commencing on the 1st day of April, 1965, and ending on the 31st day of March, 1970, as payments in connection with the movement of coal in accordance with such regulations as may be prescribed by the Governor in Council for the purpose of enabling Canadian coal to be laid down in prescribed markets at a price competitive with imported coal and imported residual oil; additional amount required for 1965-66.		7,557,000
	NATIONAL DEFENCE		
	DEFENCE RESEARCH AND DEVELOPMENT		
40d	Development.	9,300,000	
	PENSIONS AND OTHER BENEFITS		
50d	Civil Pensions as detailed in the Estimates.	193	9,300,193

SCHEDULE C—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL HEALTH AND WELFARE		
	MEDICAL SERVICES		
25d	Construction or Acquisition of Buildings, Works, Land and Equipment.....	700,000	
	WELFARE SERVICES		
41d	Family Assistance, under such terms and conditions as may be approved by the Treasury Board, in respect of children of immigrants and settlers.....	475,000	1,175,000
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	WATER RESOURCES		
	(Responsibility transferred to Minister of Mines and Technical Surveys)		
30d	Administration, Operation and Maintenance.....	168,500	
	NORTHERN ADMINISTRATION		
45d	Administration, Operation and Maintenance, including grants and contributions as detailed in the Estimates.....	425,000	593,500
	PRIVY COUNCIL		
	PRIVY COUNCIL OFFICE		
10d	General Administration—To extend the purposes of Privy Council Vote 10 of the Main Estimates for 1965-66 to include the expenses of a pilot program, undertaken by volunteers, to advance social and economic development in community affairs and to provide a further amount of.....		88,000
	TRANSPORT		
	A—DEPARTMENT		
	RAILWAYS AND STEAMSHIPS		
25d	Payments in respect of the <i>Maritime Freight Rates Act</i> —To extend the purposes of Transport Vote 25 of the Main Estimates for 1965-66 to include the grants detailed in these Estimates.....	7,000	
	AIR SERVICES		
30d	Administration, Operation and Maintenance—To extend the purposes of Transport Vote 30 of the Main Estimates for 1965-66 to include the grant detailed in these Estimates....	1	7,001

SCHEDULE C—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	B—AIR TRANSPORT BOARD		
77d	Payment to Nordair Limited for operation of international charter flights undertaken but not completed by World Wide Airways Incorporated.....		381,000
	C—BOARD OF TRANSPORT COMMISSIONERS		
84d	To provide payments to companies subject to Order Number 96300, dated November 17, 1958, of the Board of Transport Commissioners for Canada of an aggregate amount of \$20,000,000 in respect of the period April 1, 1965 to March 31, 1966, to be paid in instalments at such times as may be determined by the said Board for the purpose of reimbursing the said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order; and to provide payments to the said companies of an aggregate amount in respect of the calendar year 1965 of \$50,000,000 to be paid in instalments at such times and in accordance with such methods of allocation as may be determined by the said Board for the maintenance by such companies of the rates of freight traffic at the said reduced level.....		70,000,000
	D—CANADIAN MARITIME COMMISSION		
90d	Steamship Subventions for Coastal Services as detailed in the Estimates.....	36,875	
95d	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	1,541,000	1,577,875
	VETERANS AFFAIRS		
	WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS		
10d	War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund (War Veterans Allowances) Regulations.....	500,000	
	PENSIONS		
25d	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the <i>Pension Act</i> ; Newfoundland Special Awards; and Gallantry Awards (World War II and Special Force).....	1,700,000	2,200,000

SCHEDULE C—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	CITIZENSHIP AND IMMIGRATION		
L15d	To provide that the total amount of outstanding advances at any one time with respect to loans to Indians under section 69 of the <i>Indian Act</i> , notwithstanding subsection 5 thereof, shall not exceed \$1,500,000.....	1	
	(to be administered by Northern Affairs and National Resources)		
	FINANCE		
L100d	Special accountable advances during the 1965-66 and 1966-67 fiscal years to or in respect of persons employed in the public service whose remuneration is payable out of the Consolidated Revenue Fund and who are required to make contributions under (a) the <i>Public Service Superannuation Act</i> or the <i>Diplomatic Service (Special) Superannuation Act</i> , and (b) the Canada Pension Plan or the Quebec Pension Plan, in the amounts by which the combined contributions required from such persons in respect of remuneration to which an Act referred to in paragraph (a) and an Act referred to in paragraph (b) both apply exceed 6½ per cent of such remuneration in the case of males and 5 per cent of such remuneration in the case of females.....	3,550,000	
	LABOUR		
L28d	To authorize in the current and subsequent fiscal years, in accordance with regulations approved by the Governor in Council, loans to provide financial assistance to workers who move from one place in Canada to another place in Canada where employment is available, to authorize advances to cover transportation costs incurred for the movement of workers on behalf of employers subject to reimbursement by employers, to authorize the Minister of Citizenship and Immigration, in accordance with regulations approved by the Governor in Council, to forgive the re-payment of a loan or any part thereof made to a worker under this authority and to authorize a special account in the Consolidated Revenue Fund to be known as the Assisted Movement Account, (a) to which all loans to workers and advances made on behalf of employers will be charged; and (b) to which shall be credited (i) all repayments of principal amounts of loans, (ii) all amounts reimbursed by employers, and (iii) all amounts the payment of which is forgiven by the Minister of Citizenship and Immigration under this authority; the total amount that may be charged to the account at any time not to exceed \$5,000,000; and to repeal Labour Vote L28b as set out in Supplementary Estimates (B) 1965-66 and to apply to this Vote the moneys appropriated for the purposes of Labour Vote L28b by <i>Appropriation Act No. 6, 1965</i> and <i>Appropriation Act No. 1, 1966</i>	5,000,000	
	(to be administered by Citizenship and Immigration)		

SCHEDULE C—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Concluded)		
	TRADE AND COMMERCE		
L77d	Acquisition in the current and subsequent fiscal years of uranium concentrates in accordance with contracts to be entered into, with the approval of the Governor in Council, by Eldorado Mining and Refining Limited on behalf of Her Majesty in right of Canada and uranium producers; and to provide in the current and subsequent fiscal years in respect of the uranium concentrates purchased under the said contracts (a) the cost of stock-piling; (b) the cost of refining to uranium trioxide; and (c) interest payments to Eldorado Mining and Refining Limited at a rate equal to the monthly average of weekly three-month Treasury bill tender rates less 0.5 per cent; authority is granted to expend in the current and subsequent fiscal years in respect of this program an amount not exceeding \$135,000,000; estimated amount required for the current fiscal year.....	13,500,000	
L78d	To increase to \$1,150,000 the amount that may be charged at any time to the special account mentioned in Vote L61e of the <i>Appropriation Act No. 4, 1964</i> , that was established for the purpose of providing working capital advances to posts and to employees on posting abroad and to departmental field offices in Canada.....	300,000	
	TRANSPORT		
L82d	Advances to Canadian National Railways and Air Canada in such manner and subject to such terms and conditions as the Governor in Council may approve.....	20,000,000	42,350,001
			*277,326,349

* Net total \$23,110,529.08.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 4

An Act to amend the Admiralty Act.

[Assented to 31st March, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 1;
1963, c. 19.

1. Subsection (1) of section 7 of the *Admiralty Act* is repealed and the following substituted therefor:

“**7.** (1) A District Judge in Admiralty or, if he is incapacitated, a Judge of the Exchequer Court, may, with the approval of the Governor in Council, appoint one or more Deputy Judges, not exceeding three, having the qualifications of a District Judge as provided in section 4, and each Deputy Judge shall have and exercise such jurisdiction, powers and authority as are possessed by the District Judge.” Appointment
of Deputy
Judges.

2. Subsection (2) of section 13 of the said Act is repealed and the following substituted therefor:

“(2) Each sheriff and deputy sheriff in a province is a Marshal and Deputy Marshal, respectively, of the Court for the Admiralty District in which is located the county or district for which he holds office.” Sheriffs and
deputy
sheriffs to be
Marshals
and Deputy
Marshals.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 5

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 31st March, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967; and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 3, 1966*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole, eight hundred and seventy million, two hundred and seventy-five thousand, two hundred and eighty-one dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the aggregate of

\$870,275,281.00
granted for
1966-67.

- (a) two-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the

present session of Parliament.....\$817,997,151.83;
 (b) nine-twelfths of the amount of the item in the
 said Main Estimates set forth in Schedule A
\$408,000.00;
 (c) four-twelfths of the total of the amounts of the
 several items in the said Main Estimates set
 forth in Schedule B.....\$3,382,966.67;
 (d) three-twelfths of the total of the amounts of the
 several items in the said Main Estimates set
 forth in Schedule C.....\$19,582,100.00;
 (e) two-twelfths of the amount of the item in the
 said Main Estimates set forth in Schedule D...
\$959,816.67;
 (f) one-twelfth of the total of the amounts of the
 several items in the said Main Estimates set
 forth in Schedule E.....\$27,945,245.83.

Purpose and
 effect of
 each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commit-
 ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Power to
 raise loan of
 \$1,000,000,000
 for public
 works and
 general
 purposes.
 R.S., c. 116.

5. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

(2) All borrowing powers that are authorized by section 5 of chapter 49 of the Statutes of 1964-65 and by section 5 of chapter 11 of the Statutes of 1965 and are

outstanding and unused shall expire on the date of the coming into force of this Act.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. Account to be rendered. R.S., c. 116.

SCHEDULE A

Based on the Main Estimates, 1966-67. The amount hereby granted is \$408,000.00, being nine-twelfths of the amount of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT		
	E—NATIONAL HARBOURS BOARD		
103	To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding sections 28 and 29 of the <i>National Harbours Board Act</i> , for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account.....		*544,000

*Net total, \$408,000.00.

SCHEDULE B

Based on the Main Estimates, 1966-67. The amount hereby granted is \$3,382,966.67, being four-twelfths of the total of the amounts of the several items in the said Estimates contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING		
	Plant and Plant Products		
35	Grants, Contributions and Subsidies as detailed in the Estimates	8,148,900	
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
5	Grants for Researches and Investigations with respect to Atomic Energy.....	2,000,000	
			*10,148,900

*Net total \$3,382,966.67.

SCHEDULE C

Based on the Main Estimates, 1966-67. The amount hereby granted is \$19,582,100.00, being three-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE		
	GOVERNMENT ADMINISTRATION		
15	Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the <i>Public Servants Inventions Act</i> , subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations.....	15,000,000	
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
10	Scholarships and Grants in Aid of Research.....	41,000,000	
	TRANSPORT		
	D—CANADIAN MARITIME COMMISSION		
95	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	22,000,000	
	E—NATIONAL HARBOURS BOARD		
104	Payment to the National Harbours Board to be applied in payment of the deficit (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) expected to be incurred in the calendar year 1966 in the operation of the Jacques Cartier Bridge, Montreal Harbour	328,400	
			*78,328,400

*Net total \$19,582,100.00.

SCHEDULE D

Based on the Main Estimates, 1966-67. The amount hereby granted is \$959,816.67, being two-twelfths of the amount of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	HOUSE OF COMMONS		
20	General Administration.....	.....	*5,758,900

*Net total \$959,816.67.

SCHEDULE E

Based on the Main Estimates, 1966-67. The amount hereby granted is \$27,945,245.83, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
5	Representation Abroad—Operational—including authority, notwithstanding the <i>Civil Service Act</i> , for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council.....	19,131,000	
	JUSTICE		
1	Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory.....	2,719,950	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING		
20	Administration, Operation and Maintenance including purchases of air photography, the expenses of the Interdepartmental Committee on Air Surveys, the expenses of the National Advisory Committee on Control Surveys and Mapping, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights, and grants as detailed in the Estimates.....	8,589,400	
	MARINE SURVEYS AND RESEARCH		
25	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	9,181,200	
	GEOLOGICAL RESEARCH		
35	Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Geological Sciences, Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and \$150,000 for grants in aid of Geological Research in Canadian Universities.....	6,927,000	

SCHEDULE E—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS (Concluded)		
	A—DEPARTMENT (Concluded)		
	GEOGRAPHICAL SURVEYS AND RESEARCH		
55	Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names, the National Advisory Committee on Geographical Research and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union, and grants as detailed in the Estimates.....	962,300	
	RESEARCH IN ASTRONOMY AND GEOPHYSICS		
60	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fees for membership in the International Astronomical Union and grants and contributions as detailed in the Estimates.....	2,638,000	
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
70	Administration, Operation and Maintenance including Canada's share of the expenses of the International Executive Council, World Power Conference, authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Province of Manitoba and of the Province of Ontario of the cost of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys, and \$50,000 for Grants to Universities for Hydrologic Research.....	5,609,000	
	GENERAL		
85	Polar Continental Shelf Project.....	1,695,000	
	NATIONAL HEALTH AND WELFARE		
	WELFARE SERVICES		
41	Family Assistance, under such terms and conditions as may be approved by the Treasury Board, in respect of children of immigrants and settlers.....	3,550,000	
	NATIONAL REVENUE		
	TAXATION		
5	General Administration and District Offices including recoverable expenditures on behalf of the Canada Pension Plan....	44,986,300	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	ADMINISTRATION		
1	Departmental Administration, including grants as detailed in the Estimates.....	2,196,100	

SCHEDULE E—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	SECRETARY OF STATE		
	B—CENTENNIAL COMMISSION		
40	Programs and projects of national significance including grants towards such programs and projects.....	9,519,500	
	SOLICITOR GENERAL		
	B—CORRECTIONAL SERVICES		
5	Administration, Operation and Maintenance including compensation to discharged inmates permanently disabled while in Penitentiaries.....	34,769,200	
	TRANSPORT		
	D—CANADIAN MARITIME COMMISSION		
85	Administration of the Commission and the degaussing of Canadian Government Ships and Canadian-owned merchant ships, of 3,000 gross tons to 20,000 gross tons, of Canadian registry or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement.....	466,000	
	VETERANS AFFAIRS		
	PENSIONS		
25	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the <i>Pension Act</i> ; Newfoundland Special Awards, and Gallantry Awards (World War II and Special Force).....	182,403,000	
			*335,342,950

*Net total \$27,945,245.83.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 6

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1966.

[Assented to 31st March, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, Preamble.
General Georges Philias Vanier, D.S.O., M.C.,
Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1966, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act, No. 4, 1966*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two hundred and seventy million, two hundred and seven thousand, and three hundred and sixty-seven dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1965, to the 31st day of March, 1966, not otherwise provided for, and being the total of the amounts of the items set forth in the Schedule to this Act. \$270,207,367
granted for
1965-66.

Purpose and
effect of
each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1965.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Amounts
chargeable
to year
ending 31st
March, 1966.

5. Notwithstanding the provisions of the *Financial Administration Act*, the amounts appropriated by this Act may be paid at any time on or before the thirtieth day of April, one thousand nine hundred and sixty-six, and such payment shall be deemed to have been made in and be chargeable to the fiscal year ending the thirty-first day of March, one thousand nine hundred and sixty-six.

Account
to be
rendered.
R.S., c. 116.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Supplementary Estimates (E), 1965-66. The amount hereby granted is \$270,207,367, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1966, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING		
	Administration		
17e	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of the Estimates.....	42,439,500	
	Plant and Plant Products		
35e	Grants, Contributions and Subsidies as detailed in the Estimates	20,900	
	HEALTH OF ANIMALS		
40e	Administration, Operation and Maintenance.....	216,000	
45e	Grants, Contributions and Subsidies as detailed in the Estimates	8,800	
	FARM CREDIT CORPORATION		
90e	Estimated amount required to provide for the operating loss of the Farm Credit Corporation for the fiscal year ending March 31, 1966.....	1,160,000	
95e	Payment to the Farm Credit Corporation for carrying out the purposes of the <i>Farm Machinery Syndicates Credit Act</i>	75,000	
			43,920,200
	CITIZENSHIP AND IMMIGRATION		
	CITIZENSHIP		
5e	Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion.....	40,000	
	INDIAN AFFAIRS (Responsibility transferred to Minister of Northern Affairs and National Resources)		
15e	Administration, Operation and Maintenance—To extend the purposes of Citizenship and Immigration Vote 15 of the Main Estimates for 1965-66 to authorize special payments in respect of social assistance to persons other than Indians residing on Indian Reserves and to authorize special payments in respect of the education in Indian schools of children other than Indian children and to provide a further amount of.....	1,000,000	
20e	Construction or Acquisition of Buildings, Works, Land and Equipment.....	500,000	
			1,540,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CIVIL SERVICE COMMISSION		
1e	Salaries and Contingencies of the Commission.....		202,000
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
11e	Reimbursement of the Queen's Printer's Advance Account for the value of stores which have become obsolete or un-serviceable.....		44,477
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
1e	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	474,100	
5e	Representation Abroad—Operational.....	96,000	
15e	Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates.....	3,515,000	
	EXTERNAL AID OFFICE		
35e	Economic, technical, educational, and other assistance as detailed in the Estimates—To extend the purposes of External Affairs Vote 35 of the Main Estimates for 1965-66 to include authority for crediting the amount of the sub-vote for International Development Assistance to the special account in the Consolidated Revenue Fund established by External Affairs Vote 33d of <i>Appropriation Act No. 2, 1965</i>	1	4,085,101
	B—INTERNATIONAL JOINT COMMISSION		
40e	Salaries and Expenses of the Commission and Canada's share of the expenses of studies, surveys and investigations of the Commission.....		76,200
	FINANCE		
	ADMINISTRATION		
1e	Departmental Administration and grants as detailed in the Estimates.....	123,000	
	GOVERNMENT ADMINISTRATION		
11e	To deem former members of the Senate who are in receipt of an annuity pursuant to Part III of An Act to make provision for the retirement of members of the Senate and dependents of such members to be, for purposes of Finance Vote 20b of the <i>Appropriation Act No. 10, 1964</i> and the regulations made thereunder, former members of the Senate who are in receipt of an annual allowance pursuant to the <i>Members of Parliament Retiring Allowances Act</i> or dependents of such members, as the case may be.....	1	
15e	Contingencies—Subject to the approval of the Treasury Board, (a) to supplement the payroll provisions of other votes; (b) for miscellaneous minor or unforeseen expenses; and (c) for awards under the <i>Public Servants Inventions Act</i> ; including authority to re-use any sums repaid to this appropriation from other appropriations.....	5,000,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE (Concluded)		
	GOVERNMENT ADMINISTRATION (Concluded)		
16e	To authorize the Treasury Board to delete from the accounts certain debts due, and claims by, Her Majesty, each of which is in excess of \$1,000, amounting in the aggregate to \$1,084,556.60.....	1	
17e	Government's contribution as an employer under the Canada Pension Plan and the Quebec Pension Plan in respect of persons employed in the Public Service whose remuneration is payable out of the Consolidated Revenue Fund.....	600,000	
23e	To provide that, for the purposes of the <i>Public Service Superannuation Act</i> , the period of employment in the Public Service of Joseph Charles Yvon Charlebois that commenced on September 9, 1954 and ended on March 16, 1955 shall, notwithstanding section 4(1)(c) of the Act, be deemed to be a period during which he was required by subsection (1) of section 4 to contribute to the Superannuation Account..	1	
24e	To provide that where a person who (a) was employed in the Public Service on July 1, 1954; and (b) has not, before the coming into force of this item, made any contributions under section 42 of the <i>Public Service Superannuation Act</i> ; made an election under section 52(1) of the Act in purported compliance therewith that was invalid by reason only that the person was not, on July 1, 1954, a participant within the meaning of the Act, the said election shall be deemed to have been validly made under and in accordance with section 52(1) of the Act.....	1	
	MUNICIPAL DEVELOPMENT AND LOAN BOARD		
50e	To extend the purposes of Finance Vote 50b, Supplementary Estimates (B), 1965-66 to authorize the Municipal Development and Loan Board in the current and subsequent fiscal years, notwithstanding sections 7 and 11 of the <i>Municipal Development and Loan Act</i> , in cases where a municipal project, in respect of which a loan is approved by the Board under the <i>Municipal Development and Loan Act</i> , (a) is completed to the satisfaction of the Board during the period commencing on April 1, 1966 and ending on September 30, 1966, to forgive payment of 25 per cent of the principal amount of the loan; and (b) is not completed on or before the 30th day of September, 1966, to forgive payment of 25 per cent of that portion of the principal amount of the loan that is made with respect to the cost, as determined by the Board, incurred on the project during the period commencing on April 1, 1966 and ending on September 30, 1966; and to authorize the Board to enter into an agreement for the purpose of implementing this provision with the government of any province with which an agreement has been entered into under section 7(2) of the Act, additional amount required.....	12,000,000	17,723,004
	FISHERIES		
	FISHERIES MANAGEMENT AND DEVELOPMENT		
15e	Grants, contributions and subsidies in the amounts and subject to the terms specified in the subvote titles listed in the Details of Estimates.....	150,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES (Concluded)		
	SPECIAL		
17e	Estimated amount required to recoup the Fishing Vessel Indemnity Account and the Lobster Trap Indemnity Account established under Vote 540 of the <i>Appropriation Act No. 5, 1955</i> and Vote 527 of the <i>Appropriation Act No. 6, 1956</i> , to cover the net operating losses in the said Accounts as at March 31, 1966.....	56,000	206,000
	FORESTRY		
5e	Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates.....		150,000
	INDUSTRY		
15e	To provide that the amount appropriated by section 5(1) of the <i>Area Development Incentives Act</i> may be credited to the Area Development Account from time to time as required; notwithstanding section 5(3) of the Act, to authorize payments out of the Consolidated Revenue Fund up to the amounts credited to the Account; and to authorize total commitments in respect of development grants under the Act in the current and subsequent fiscal years not exceeding \$100,000,000.....		1
	JUSTICE		
	LEGAL AND OTHER SERVICES		
1e	Administration.....		35,500
	LABOUR		
1e	General Administration.....		47,500
	LEGISLATION		
	THE SENATE		
5e	General Administration.....	79,200	
7e	To deem, for the purpose of enabling the Governor in Council to grant an annuity under section 16 of <i>An Act to make provision for the retirement of members of the Senate</i> , that Senator J. W. Comeau was, at the time of his death, a person who had been granted an annuity under section 15 of the said Act.....	1	
	HOUSE OF COMMONS		
20e	General Administration.....	220,000	299,201

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	MARINE SURVEYS AND RESEARCH		
15e	Administration, Operation and Maintenance.....	100,000	
	MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH		
35e	Administration, Operation and Maintenance—To increase to \$70,000 the grants in aid of Mining and Mineral Processing Research in Canadian Universities.....	1	100,001
	NATIONAL HEALTH AND WELFARE		
	MEDICAL SERVICES		
20e	Administration, Operation and Maintenance.....		500,000
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
10e	Scholarships and Grants in Aid of Research.....		3,000,000
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	ADMINISTRATION AND GENERAL (Responsibility transferred to Minister of Mines and Technical Surveys)		
5e	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, to assist in the development of roads leading to resources.....	600,000	
10e	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments..	100,000	
12e	Subventions under agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i> in respect of electric power generated from eastern coal during the fiscal year 1965-66.....	700,000	
	NORTHERN ADMINISTRATION		
45e	Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates.....	1	1,400,001
	POST OFFICE		
1e	Postal Service.....	780,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	POST OFFICE (Concluded)		
	CENTRAL MORTGAGE AND HOUSING CORPORATION (Responsibility transferred to Minister of Labour)		
15e	To reimburse Central Mortgage and Housing Corporation, pursuant to Section 35 of the <i>National Housing Act, 1954</i> , for expenditures incurred during the period January 1, 1965 to December 31, 1965, for Housing Research and Community Planning as contemplated by Part V of the <i>National Housing Act, 1954</i>	1,489,905	
20e	To reimburse Central Mortgage and Housing Corporation, pursuant to Section 5(5) and Section 24(b) of the <i>Central Mortgage and Housing Act</i> , for net losses resulting from the sale of mortgages from its portfolio during the calendar year 1965.....	685,562	
25e	To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the calendar year 1965 as a result of the operation of Public Housing Projects undertaken under Part VI of the <i>National Housing Act, 1954</i>	1,976,649	
30e	To reimburse Central Mortgage and Housing Corporation for amounts loaned under Section 36H of the <i>National Housing Act, 1954</i> , to any Province, Municipality or Municipal Sewerage Corporation, and forgiven by the Corporation during the calendar year 1965, pursuant to Section 36G of the Act.....	10,513,153	
35e	To reimburse Central Mortgage and Housing Corporation for grants charged to the Consolidated Revenue Fund as established by Section 23E of the <i>National Housing Act, 1954</i> , in respect of contributions made during the calendar year 1965, to any Province or Municipality for the preparation or implementation of an urban renewal scheme or pursuant to an urban redevelopment agreement.....	4,902,418	20,347,687
	PRIVY COUNCIL		
10e	General Administration.....	37,000	
15e	Expenses of the Royal Commissions listed in the Details of Estimates.....	150,000	187,000
	PUBLIC WORKS		
	A—DEPARTMENT		
1e	General Administration, including grants as detailed in the Estimates.....	44,500	
	ACCOMMODATION SERVICES		
5e	Maintenance and operation of public buildings and grounds, acquisition of furniture and furnishings for government departments.....	3,700,000	
15e	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates....	1	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS (Concluded)		
	A—DEPARTMENT (Concluded)		
	HARBOURS AND RIVERS ENGINEERING SERVICES		
30e	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates.....	360,000	
	ROADS, BRIDGES AND OTHER ENGINEERING SERVICES		
40e	Construction, acquisition, major repairs and improvements of, and plans and sites for, roads, bridges and other engineering works—To extend the purposes of Vote 40 of the Main Estimates for 1965-66 to provide for the construction of a Causeway and Associated Structures across Northumberland Strait.....	1	
	1967 WORLD EXHIBITION		
57e	Towards Federal Government's share of the cost of construction of an ice control structure.....	800,000	4,904,502
	SECRETARY OF STATE		
	A—DEPARTMENT		
5e	Companies and Corporations Branch.....		9,500
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
5e	Trade Commissioner Service—Administration, Operation and Maintenance.....	207,000	
10e	Exhibitions Branch.....	244,200	
15e	Canadian Government Travel Bureau.....	251,000	702,200
	TRANSPORT		
	A—DEPARTMENT		
	MARINE SERVICES		
5e	Administration, Operation and Maintenance.....	210,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
	TRANSPORT (Continued)	\$	\$
	A—DEPARTMENT (Concluded)		
	RAILWAYS AND STEAMSHIPS		
15e	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1965 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.—Bar Harbor, Maine, U.S.A. Ferry Services.....	2,000,000	
25e	Payments in respect of the <i>Maritime Freight Rates Act</i> and for supplemental pension allowances to Railway employees in the amounts and subject to the terms specified in the sub-vote titles listed in the details of the Estimates.....	1	
27e	Canadian National Railways Deficit, 1965—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, and to be applied by the Company in payment of the system deficit (certified by the auditors of the Company) arising in the calendar year 1965, subject to recovery therefrom of accountable advances made to the Company from the Consolidated Revenue Fund.....	34,718,000	
	AIR SERVICES		
35e	Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,000,000	
	GENERAL		
74e	Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, un-serviceable, lost or destroyed.....	100,000	40,028,001
	C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
84e	To increase from \$70,000,000 to \$95,000,000 the payments authorized by Vote 84d of Supplementary Estimates (D) 1965-66 to railway companies to maintain the rates of freight traffic at a reduced level and to extend the purposes of the said Vote to authorize payments to the said companies in respect of the calendar year 1964.....		25,000,000
	D—CANADIAN MARITIME COMMISSION		
85e	Administration of the Commission—To extend the purposes of Transport Vote 85 of the Main Estimates for 1965-66 to include federal assistance towards the cost of ice-breaking in the Miramichi River, N.B.....	45,500	
90e	Steamship Subventions for Coastal Services as detailed in the Estimates.....	523,000	568,500

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Concluded)		
	E—NATIONAL HARBOURS BOARD		
102e	To authorize, in accordance with terms and conditions approved by the Governor in Council, special assistance to firms displaced as a result of construction of the Saskatchewan Wheat Pool elevator in Vancouver Harbour, B.C.		75,000
	F—ST. LAWRENCE SEAWAY AUTHORITY		
107e	Payment to The St. Lawrence Seaway Authority, upon application, approved by the Minister of Transport, made by the Authority to the Minister of Finance, to reimburse the Authority in respect of the Welland Canal deficit incurred by the Authority during the calendar year 1965.		8,250,000
	VETERANS AFFAIRS		
	TREATMENT SERVICES		
30e	Operation and Maintenance.		300,000
	LOANS, INVESTMENTS AND ADVANCES		
	DEFENCE PRODUCTION		
L18e	To authorize the operation, in accordance with section 58 of the <i>Financial Administration Act</i> , of a revolving fund, (a) for the purpose of acquiring and managing stores, for manufacturing, producing, processing or dealing in stores or materials, and (b) for the purchase and supply of repair services for office furniture and equipment, and for freight services, for federal government departments and agencies; the balance of the revolving fund at any time shall, notwithstanding section 58, be determined after deducting therefrom all amounts due at such time by federal government departments and agencies; the amount to be charged to the revolving fund at any time not to exceed.	10,000,000	
	EXTERNAL AFFAIRS		
L22e	Additional advance to the Working Capital Fund of the Food and Agriculture Organization in an amount of \$83,900 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1966, which is.	90,600	
L23e	Additional advance to the Working Capital Fund of the Interim Commission for the International Trade Organization in an amount of \$6,278 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1966, which is.	6,750	
L96e	Additional advance to the Working Capital Fund of the United Nations Organization in an amount of \$53,561 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1966, which is.	57,900	
L97e	Additional advance to the Working Capital Fund of the Intergovernmental Maritime Consultative Organization in an amount of \$500 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1966, which is.	540	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Continued)		
	FINANCE		
L99e	To authorize the operation of a working capital advance account in the current and subsequent fiscal years in accordance with terms and conditions approved by Treasury Board for the purpose of providing data processing and related services to federal government departments and agencies, the cost of such services to be charged to the account and the amounts received in payment of such services to be credited thereto; the amount outstanding under this authority, at any time, after deducting therefrom all amounts due by federal government departments and agencies, shall not exceed \$1,000,000.....	1,000,000	
L100e	Special accountable advances during the 1965-66 and 1966-67 fiscal years to or in respect of persons employed in the public service whose remuneration is payable out of the Consolidated Revenue Fund and who are required to make contributions under (a) the <i>Public Service Superannuation Act</i> or the <i>Diplomatic Service (Special) Superannuation Act</i> , and (b) the Canada Pension Plan or the Quebec Pension Plan, in the amounts by which the combined contributions required from such persons in respect of remuneration to which an Act referred to in paragraph (a) and an Act referred to in paragraph (b) both apply exceed 6½ percent of such remuneration in the case of males and 5 per cent of such remuneration in the case of females.....	4,500,000	
L101e	Advances in respect of a toll bridge across the harbour of Saint John, N.B. in the current and subsequent fiscal years, in accordance with terms and conditions set out in an agreement relating to the financing, construction and operation of the toll bridge to be entered into between Canada, New Brunswick, the City of Saint John and the Bridge Authority, with the approval of the Governor in Council, (a) to the Saint John Harbour Bridge Authority established by c. 150 of the Statutes of New Brunswick, 1961-62; or (b) to a trustee for the holders of securities issued by the Authority; the total amount of advances in each such fiscal year to be based on the difference for the year between the operating and financing costs of the toll bridge and the actual revenue of the Bridge Authority, as determined pursuant to the agreement, repayable when the actual revenue of the Bridge Authority for a fiscal year exceeds the amount of the operating and financing costs for such year.....	10,000,000	
	NATIONAL FILM BOARD		
L35e	To increase to \$2,000,000 the amount by which expenditures that may be charged at any time to the National Film Board Operating Account established by section 18 of the <i>National Film Act</i> may exceed receipts shown in the said Account; additional amount required.....	850,000	
	POST OFFICE		
	CENTRAL MORTGAGE AND HOUSING CORPORATION (Responsibility transferred to Minister of Labour)		
L62e	Advances charged to the special account in the Consolidated Revenue Fund established by subsection (4) of Section 35A of the <i>National Housing Act, 1954</i> , in respect of housing and land development projects undertaken jointly with the Governments of Provinces during the calendar year 1965..	4,500,000	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Concluded)		
	POST OFFICE (Concluded)		
	CENTRAL MORTGAGE AND HOUSING CORPORATION (Concluded)		
L64e	Advances charged to the special account in the Consolidated Revenue Fund established by subsection 2 of Section 36H of the <i>National Housing Act, 1954</i> , in respect of loans to any Province, Municipality or Municipal Sewerage Corporation, for construction or expansion of municipal sewage treatment projects during the calendar year 1965.....	30,500,000	
	PUBLIC PRINTING AND STATIONERY		
L65e	To amend Vote L33a of the <i>Appropriation Act No. 10, 1964</i> , by providing that, notwithstanding section 58 of the <i>Financial Administration Act</i> , the balance of the revolving fund at any time shall be determined after deducting therefrom all amounts due at such time by federal government departments and agencies.....	1	
	TRANSPORT		
L82e	Advances during the 1965-66 and 1966-67 fiscal years to Canadian National Railways and to Air Canada in such manner and subject to such terms and conditions as the Governor in Council may approve and to provide for the purchase during such fiscal years and holding by the Minister of Finance of 4% preferred stock of the Canadian National Railways and the subsequent disposal thereof.....	35,000,000	
			96,505,791
			270,207,367

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 7

An Act to amend the Bank Act and the Quebec Savings Banks Act

[Assented to 31st March, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 6 of the *Bank Act* is repealed and the following substituted therefor:

1953-54, c. 48;
1964-65, c. 10,
s. 1; 1965,
c. 7, s. 1.

“**6.** Subject to this Act,

- (a) if Parliament sits on at least twenty days during the month of November, 1966, the bank may carry on the business of banking until the 1st day of December, 1966, and no longer, and
- (b) if Parliament does not sit on at least twenty days during the month of November, 1966, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer.”

Duration of
authority
to carry on
business.

2. Section 6 of the *Quebec Savings Banks Act* is repealed and the following substituted therefor:

1953-54, c. 41;
1957, c. 12;
1964-65, c. 10,
s. 2; 1965,
c. 7, s. 2.

“**6.** Subject to this Act,

- (a) if Parliament sits on at least twenty days during the month of November, 1966, the bank may carry on the business of banking until the 1st day of December, 1966, and no longer, and
- (b) if Parliament does not sit on at least twenty days during the month of November, 1966, the

Duration of
authority
to carry on
business.

bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 8

An Act to amend the Judges Act.

[Assented to 31st March, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (d) of section 7 of the *Judges Act* is repealed and the following substituted therefor:

“(d) Twenty-four other judges of the High Court, each.....\$21,000.00”

2. Paragraph (e) of section 9 of the said Act is repealed and the following substituted therefor:

“(e) Seventy-three puisne judges of the Superior Court, each.....\$21,000.00”

3. Paragraph (d) of section 11 of the said Act is repealed and the following substituted therefor:

“(d) Five other judges of the Queen’s Bench Division, each.....\$21,000.00”

4. (1) Paragraph (a) of section 19 of the said Act is repealed and the following substituted therefor:

“(a) One chief judge and eighty-one judges and junior judges of the County and District Courts, each.....\$16,000.00”

(2) Paragraph (h) of section 19 of the said Act is repealed and the following substituted therefor:

R.S., c. 159;
1952-53, c. 4;
1953-54, c. 58;
1955, c. 48;
1956, c. 8;
1957, c. 30;
1958, c. 33;
1959, c. 28;
1960,
co. 46, 47;
1960-61, c. 38;
1962, c. 22;
1963, c. 8;
1964-65,
cc. 14, 36.

1963, c. 8,
s. 2.

1964-65, c. 36,
s. 1.

1963, c. 8,
s. 3.

1964-65, c. 36,
s. 4(1).

1963, c. 8, s. 3.

“(h) Fourteen chief judges and judges of the District Courts, each\$16,000.00”.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 9

An Act to authorize the construction of a bridge across the St. Croix River between the Province of New Brunswick and the State of Maine.

[Assented to 31st March, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Milltown Bridge Act*. Short title.

2. Subject to this Act, the construction, operation and maintenance of the bridge described in section 3 is approved. Approval of bridge.

3. The Province of New Brunswick (hereinafter referred to as the "Province") may, either alone or in conjunction with the appropriate public authority in the United States, construct or cause to be constructed and operate and maintain a bridge across the St. Croix River for the free use and passage of persons, vehicles, and goods, with all necessary approaches, roads and other works, from a point at or near Milltown, New Brunswick, to a point at or near Calais, Maine. Authority.

4. (1) The bridge described in section 3 shall be constructed in accordance with and subject to such regulations for the safeguarding of navigation of the St. Croix River as the Governor in Council prescribes; and for such purpose, the Province shall, prior to the commencement of construction of the bridge, submit to the Governor in Council for examination and approval plans and drawings of the bridge and a map of its proposed location, indicating accurately all relevant soundings and showing the bed of the Plans and drawings.

stream and the location of all other bridges in the area, and furnish to the Governor in Council such other information as is required for a full and satisfactory understanding of the project.

No construction prior to approval.

(2) Construction of the bridge shall not be commenced until such time as the plans and drawings referred to in subsection (1) and the location of the bridge have been approved by the Governor in Council, and no material change in such plans or drawings, or in the location of the bridge, shall be made except with the prior approval of the Governor in Council.

Labour and materials.

5. Where available in Canada, Canadian labour and materials, to the extent of fifty per cent, as nearly as may be, of the cost of such labour and materials respectively, shall be employed in the construction of the bridge; and construction of the bridge shall not be commenced until such time as evidence satisfactory to the Minister of Labour has been submitted to him by the Province that the arrangements for the construction of the bridge are such as to ensure effective compliance with the requirements of this subsection.

Approval required for assignment.

6. The power to operate and maintain the bridge described in section 3 may not be assigned or delegated by the Province without the approval of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 10

An Act to amend the Aeronautics Act.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., cc. 2,
302;
1964-65, c. 22.

1. The *Aeronautics Act* is amended by adding thereto, immediately after section 3 thereof, the following section:

“3A. The Governor in Council may make Regulations
regulations

- (a) prescribing charges for the use of
 - (i) any facility or service provided by or on behalf of the Minister for or in respect of any aircraft, and
 - (ii) any facility or service not coming within subparagraph (i) provided by or on behalf of the Minister at any airport; and
- (b) imposing upon the owners or operators of aircraft, wherever resident, in respect of flights within Canada, charges for the availability during such flights of any facility or service provided by or on behalf of the Minister, and every charge so imposed constitutes a legal obligation enforceable by Her Majesty by action in the Exchequer Court of Canada.”

2. (1) Subsection (1) of section 4 of the said Act is amended by adding thereto the following paragraphs: 1964-65, c. 22,
s. 7(2).

- “(k) the maximum hours of work and other working conditions for pilots, co-pilots, navigators and flight engineers employed by any person operat-

ing a commercial air service licensed by the Air Transport Board;

- (l) the entering of the premises of any aircraft manufacturer and the inspecting of those premises, including any equipment, stock or records found therein for the purpose of determining the air-worthiness of aircraft manufactured by that manufacturer;
- (m) the preservation, protection and removal of aircraft involved in accidents, including the cargo thereof, the preservation, protection, removal and testing of any part of such aircraft and the protection of aircraft accident sites;
- (n) the use and operation of rockets, moored balloons and kites that, in the opinion of the Minister, are hazardous to air navigation; and
- (o) the investigation of any accident involving an aircraft, of any alleged breach of any regulation made under this section or of any incident involving an aircraft that, in the opinion of the Minister, endangered the safety of persons, including regulations with respect to the entering of premises of the owner, manufacturer, repairer, servicer or operator of any aircraft, aircraft engine or component of an aircraft or aircraft engine involved in any such accident, alleged breach or incident and the inspection of such premises including any equipment, stock or records found therein, and with respect to the taking of statements by investigators for the purpose of any such investigation."

(2) Subsection (4) of section 4 of the said Act is repealed and the following substituted therefor:

Idem.

"(4) Every person who violates an order or direction of the Minister made under a regulation, or who obstructs or hinders an investigation carried on under the provisions of this Act or the regulations, is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(4a) Where a person has violated a provision of a regulation or an order or direction of the Minister made under a regulation with respect to the operation over the high seas or any territory not within Canada of an aircraft registered in Canada the violation of which is an offence by virtue of subsection (3) or (4), the offence

Jurisdiction
where
offences
committed
outside
Canada.

is within the competence of and may be charged, tried and punished by the court having jurisdiction in respect of similar offences in the judicial division of Canada where that person is found in the same manner as if the offence had been committed in that judicial division."

3. The said Act is further amended by adding thereto, immediately after section 5 thereof, the following section:

"**5A.** (1) The Minister may establish a board of inquiry to investigate the circumstances of any accident involving an aircraft or of any alleged breach of any regulation made under section 4 or of any incident involving an aircraft that, in the opinion of the Minister, endangered the safety of persons, and may designate the persons that are to be members of that board. Boards of inquiry.

(2) Every person designated by the Minister as a member of a board of inquiry has and may exercise all the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*, including the powers that may be conferred on a commissioner under section 11 of that Act, and may administer such oaths and take and receive such affidavits, declarations and affirmations as are necessary for the purpose of the inquiry. Powers of boards.

(3) Every witness who attends and gives evidence before a board of inquiry established pursuant to subsection (1) is entitled to be paid Witnesses.

(a) reasonable travelling and living expenses incurred by him in so attending and giving evidence; and

(b) the witness fees prescribed in the tariff of fees in use in the superior courts of the province in which his evidence is given.

(4) Each board of inquiry shall send a full report of the inquiry conducted by it to the Minister." Reports.

4. Subsections (1), (2) and (3) of section 7 of the said Act are repealed and the following substituted therefor:

"**7.** (1) There shall be a board to be known as the Air Transport Board consisting of not less than three and not more than five members appointed by the Governor in Council. Air Transport Board.

(2) Subject to subsection (3), each member shall be appointed for a term not exceeding ten years and shall hold office during good behaviour, but may be Ten year office.

removed at any time for cause by the Governor in Council.

Eligibility
for reappoint-
ment;
retirement.

(3) A retiring member of the Board is eligible to be reappointed, but no person appointed or reappointed after the coming into force of this subsection to hold office as a member of the Board shall hold such office after attaining the age of seventy years."

5. Paragraph (l) of section 13 of the said Act is repealed and the following substituted therefor:

"(l) prescribing the conditions with which an applicant for a licence to operate a commercial air service or an applicant for the renewal of any such licence must comply;"

6. (1) Subsection (1) of section 15 of the said Act is repealed and the following substituted therefor:

Licences.

"**15.** (1) The Board may issue to any person applying therefor a licence to operate a commercial air service in the form of licence applied for or in any other form."

(2) Section 15 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

Appeal.

"(4a) Any applicant or any intervener on an application to the Board for a licence to operate a commercial air service may appeal to the Minister from a final decision of the Board with respect to the application, and the Minister shall thereupon certify his opinion to the Board and the Board shall comply therewith."

(3) Subsection (5) of section 15 of the said Act is repealed and the following substituted therefor:

Operating
certificate
necessary.

"(5) Notwithstanding the issue of a licence under subsection (1), no air carrier shall operate a commercial air service unless he holds a valid and subsisting certificate issued to him by the Minister certifying that the holder is adequately equipped and able to conduct a safe operation as an air carrier."

(4) Subsection (8) of section 15 of the said Act is repealed and the following substituted therefor:

“(8) The Board may suspend, cancel or amend any licence or any part thereof where, in the opinion of the Board, the public convenience and necessity so requires.”

Suspension,
cancellation
or amend-
ment.

(5) Subsection (9) of section 15 of the said Act is repealed.

(6) Subsections (11) and (12) of section 15 of the said Act are repealed and the following substituted therefor:

“(11) Any air carrier whose licence has been suspended, cancelled or amended may appeal to the Minister, and the Minister shall thereupon certify his opinion to the Board and the Board shall comply therewith.

Appeal.

(12) Every appeal to the Minister under this section shall be brought within thirty days of the date of the decision, ruling or order appealed from or within such longer period as the Minister may allow.

Time for
appeal to
Minister.

(13) The Board may make rules prescribing the manner in which appeals to the Minister may be made.”

Rules as
to appeal.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 11

An Act to amend the Agricultural Rehabilitation
and Development Act.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1960-61, c. 20.

1. The long title of the *Agricultural Rehabilitation and Development Act* and the preamble to the said Act are repealed and the following substituted therefor:

“An Act to provide for the rehabilitation and development of rural areas in Canada.”

2. Section 1 of the said Act is repealed and the following substituted therefor:

“**1.** This Act may be cited as the *Agricultural and Rural Development Act (ARDA)*.” Short title.

3. The said Act is further amended by adding thereto, immediately after section 1 thereof, the following heading and section:

“INTERPRETATION.

1A. In this Act, “Minister” means such member of the Queen’s Privy Council for Canada as is designated by the Governor in Council.” “Minister.

4. (1) All that portion of subsection (1) of section 2 of the said Act preceding paragraph (b) thereof is repealed and the following substituted therefor:

Agreements
for
alternative
land use
projects
authorized.

“2. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province providing for

(a) the undertaking jointly with the government of the province or any agency thereof of projects for the more efficient use and economic development of rural lands specified in the agreement; or”

(2) Subsection (2) of section 2 of the said Act is repealed and the following substituted therefor:

Research and
investiga-
tion.

“(2) The Minister may cause to be prepared and undertaken, directly or in cooperation with the government of any province or any agency thereof, programmes of research and investigation respecting the more effective use and economic development of rural lands in that province.”

5. (1) Paragraph (a) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

“(a) the undertaking jointly with the government of the province or any agency thereof of projects for the development of income and employment opportunities in rural areas specified in the agreement and for improving standards of living in those areas; or”

(2) Subsections (2) and (3) of section 3 of the said Act are repealed and the following substituted therefor:

Research and
investiga-
tion.

“(2) For the purpose of assisting the development of income and employment opportunities in rural areas in Canada and the improvement of standards of living in those areas, the Minister may cause to be prepared and undertaken with the government of any province or any agency thereof or with any university, educational institution or person, programmes of research and investigation, and co-ordinate such programmes with other similar programmes being undertaken in Canada.

(3) The Minister shall, in carrying out any project or research programme for the development of income and employment opportunities in rural areas, make use, wherever possible, of the services and facilities of

Minister to
make use of
services, etc.,
of other
departments.

other departments of the Government of Canada or of any agencies thereof."

6. Subparagraphs (i) and (ii) of paragraph (a) of subsection (1) of section 4 of the said Act are repealed and the following substituted therefor:

- "(i) projects for the development and conservation of water supplies for agricultural or other rural purposes, and
- (ii) projects for soil improvement and the conservation of rural lands in that province or in any area thereof specified in the agreement; or"

7. Section 6 of the said Act is repealed and the following substituted therefor:

"**6.** (1) The Minister may, in order to carry out the purposes and provisions of this Act, establish such advisory committees as he deems necessary and appoint the members thereof. Advisory committees.

(2) Each member of a committee established under subsection (1) is entitled to be paid such amount for each day he attends any meeting of the committee as may be fixed by the Governor in Council and is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the course of his duties." Remuneration and expenses of members.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 12

An Act to amend the Bills of Exchange Act.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 15.

1. Subsection (3) of section 6 of the *Bills of Exchange Act* is repealed and the following substituted therefor:

“(3) Notwithstanding any other provision of this Act, a cheque may be presented and paid on a Saturday or a non-juridical day, if the drawee is open for business at the time of the presentment and the presentment in all other respects is in accordance with this Act; and the non-acceptance or non-payment of a cheque so presented gives rise to the same rights as though it had been presented on a business day other than a Saturday. Cheques.

(4) In all matters relating to bills or notes, notwithstanding any other provision of this Act, if a branch of a bank carrying on business is not open for business on a business day Where bank not open for business.

- (a) the time for doing any act or thing at the branch, if the time expires or falls on that day, is deemed to expire or fall, as the case may be, on the next following business day on which the branch is open for business;
- (b) a bill or note payable on demand cannot be duly presented for acceptance or payment at the branch on that day; and
- (c) failure to do any act or thing by reason of the branch not being open for business on that day does not give rise to any rights.”

2. Paragraph (a) of section 43 of the said Act is repealed and the following substituted therefor:

General.

“(a) in all the provinces of Canada,
Sundays,
New Year’s Day,
Good Friday,
Victoria Day,
Dominion Day,
Labour Day,
Remembrance Day,
Christmas Day,
the birthday (or the day fixed by proclamation
for the celebration of the birthday) of the
reigning sovereign,
any day appointed by proclamation to be
observed as a public holiday, or as a day
of general prayer or mourning or day of
public rejoicing or thanksgiving, through-
out Canada,
the day next following New Year’s Day,
Christmas Day and the birthday of the
reigning sovereign (if no other day is fixed
by proclamation for the celebration of the
birthday) when such days respectively fall
on a Sunday;”

3. Sections 113 and 114 of the said Act are repealed and the following substituted therefor:

Protest of
inland bill.

“**113.** Where an inland bill has been dishonoured, it may, if the holder thinks fit, be noted and protested for non-acceptance or non-payment as the case may be; but it is not necessary to note or protest an inland bill in order to have recourse against the drawer or endorsers.

Protest
unnecessary.

114. Where a bill does not on the face of it appear to be a foreign bill, protest thereof in case of dishonour is unnecessary.”

4. Section 165 of the said Act is amended by adding thereto the following subsection:

Cheque for
deposit to
account.

“(3) Where a cheque is delivered to a bank for deposit to the credit of a person and the bank credits

him with the amount of the cheque, the bank acquires all the rights and powers of a holder in due course of the cheque."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 13

An Act to amend the Bretton Woods Agreements Act.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 19;
1959, c. 19.

1. Section 5 of the *Bretton Woods Agreements Act* is repealed and the following substituted therefor: 1959, c. 19,
s. 1.

“**5.** The Minister of Finance may provide for payment out of the Consolidated Revenue Fund to the International Monetary Fund and to the International Bank for Reconstruction and Development in the manner and at the times provided for by the Agreements therefor set out in the Schedules, of a sum or sums of money, not exceeding in the whole an amount equivalent to the subscriptions required from Canada, that is to say, one thousand five hundred and thirty-two million United States dollars.” Payment of
subscriptions
out of C.R.
Fund.

2. Section 7 of the said Act is repealed and the following substituted therefor:

“**7.** The Minister of Finance shall, on or before the 31st day of March next following the end of each year or, if Parliament is not then sitting, on any of the first thirty days next thereafter that Parliament is sitting, submit to Parliament a report containing a general summary of operations under this Act and details of all such operations that directly affect Canada.” Annual
report.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 14

An Act to implement an Agreement between Canada and the United Kingdom for the avoidance of double taxation with respect to taxes on certain classes of income and to implement a Supplementary Income Tax Agreement between Canada and Sweden.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

CANADA-UNITED KINGDOM INCOME TAX AGREEMENT.

- 1.** This Part may be cited as the *Canada-United Kingdom Income Tax Agreement Act, 1966.* Short title for Part I.
- 2.** (1) The Agreement entered into between Canada and the United Kingdom, set out in Schedule I, is approved and declared to have the force of law in Canada during such period as, by its terms, the Agreement is in force. Agreement approved.
- (2) In the event of any inconsistency between the provisions of this Part, or the Agreement, and the operation of any other law, the provisions of this Part and the Agreement prevail to the extent of the inconsistency. Inconsistent laws.
- (3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof. Orders and regulations.
- 3.** Notice of the day the Agreement comes into force and of the day the Agreement ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*. Promulgation of commencement and termination date of Agreement.

PART II.

CANADA-SWEDEN SUPPLEMENTARY INCOME TAX
AGREEMENT.

Supple-
mentary
Agreement
with Sweden
approved.

1951 (1 Sess.),
c. 42.

Promulga-
tion of com-
mencement of
Supple-
mentary
Agreement.

4. The Supplementary Agreement entered into between Canada and Sweden, set out in Schedule II, is approved and declared to have the force of law in Canada while the Agreement set out in the Schedule to *The Canada-Sweden Income Tax Agreement Act, 1951*, continues in force.

5. Notice of the day the Supplementary Agreement comes into force shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

SCHEDULE I.

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE UNITED KING-
DOM FOR THE AVOIDANCE OF DOUBLE TAXATION
WITH RESPECT TO TAXES ON CERTAIN CLASSES
OF INCOME

The Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude an Agreement for the avoidance of double taxation with respect to taxes on certain classes of income,

Have agreed as follows:

ARTICLE I.

(1) The taxes which are the subject of this Agreement are—

(a) In Canada:

the income taxes, including the old age security tax on income, which are imposed by the Government of Canada (hereinafter referred to as “Canadian tax”).

(b) In the United Kingdom of Great Britain and Northern Ireland:

the income tax, including surtax, the profits tax and the corporation tax (hereinafter referred to as “United Kingdom tax”).

(2) This Agreement shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the taxes referred to in paragraph (1) by either Contracting Government.

ARTICLE II.

(1) In this Agreement, unless the context otherwise requires—

(a) the term “United Kingdom” means Great Britain and Northern Ireland;

(b) the terms “one of the territories” and “the other territory” mean the United Kingdom or Canada, as the context requires;

(c) the term “taxation authorities” means, in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorized representative; in the case of Canada, the Minister of National Revenue or his authorized representative; and, in the case of any territory to which this Agreement is extended under Article IX, the competent authority for the administration in such territory of the taxes to which this Agreement applies;

- (d) the term "tax" means United Kingdom tax or Canadian tax, as the context requires;
- (e) the term "person" includes any body of persons, corporate or not corporate;
- (f) the term "company" includes any body corporate;
- (g) (i) the terms "resident of the United Kingdom" and "resident of Canada" mean respectively any person who is resident in the United Kingdom for the purposes of United Kingdom tax and any person who is resident in Canada for the purposes of Canadian tax;
- (ii) where, by reason of the provisions of sub-paragraph (i) above, an individual is a resident of both territories, then this case shall be solved in accordance with the following rules:
 - (aa) he shall be deemed to be a resident of the territory in which he has a permanent home available to him; if he has a permanent home available to him in both territories, he shall be deemed to be a resident of the territory with which his personal and economic relations are closest (hereinafter referred to as his centre of vital interests);
 - (bb) if the territory in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either territory, he shall be deemed to be a resident of the territory in which he has an habitual abode;
 - (cc) if he has an habitual abode in both territories or in neither of them, he shall be deemed to be a resident of the territory of which he is a national;
 - (dd) if he is a national of both territories or of neither of them, the taxation authorities of the territories shall determine the question by mutual agreement;
- (iii) where, by reason of the provisions of sub-paragraph (i) above, a person other than an individual is a resident of both territories, then it shall be deemed to be a resident of the territory in which its place of effective management is situated;
- (h) the terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of the United Kingdom, or a person who is a resident of Canada, as the context requires;
- (i) the terms "United Kingdom enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident

of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Canada, and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a United Kingdom enterprise or a Canadian enterprise, as the context requires;

- (j) (i) the term "permanent establishment" means a fixed place of business in which the business of an enterprise is wholly or partly carried on;
- (ii) the term "permanent establishment" shall include especially—
- (aa) a place of management;
 - (bb) a branch;
 - (cc) an office;
 - (dd) a factory;
 - (ee) a workshop;
 - (ff) a mine, quarry or other place of extraction of natural resources;
 - (gg) a building site or construction or assembly project which exists for more than twelve months;
- (iii) the term "permanent establishment" shall not be deemed to include—
- (aa) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
 - (bb) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
 - (cc) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
 - (dd) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or for collecting information, for the enterprise;
 - (ee) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise;
- (iv) a person acting in one of the territories on behalf of an enterprise of the other territory—other than an agent of an independent status to whom subparagraph (j) (v) applies—shall be deemed to be a permanent establishment in the first-mentioned territory—

- (aa) if he has, and habitually exercises in that first-mentioned territory, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or
- (bb) if he maintains in that first-mentioned territory a stock of goods or merchandise belonging to the enterprise from which he regularly fills orders on behalf of the enterprise;
- (v) an enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business in that other territory through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business;
- (vi) the fact that a company which is a resident of one of the territories controls or is controlled by a company which is a resident of the other territory, or which carries on business in that other territory (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other;
- (k) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country;
- (l) the term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

(2) In the application of the provisions of this Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Government relating to the taxes which are the subject of this Agreement.

ARTICLE III.

(1) The industrial or commercial profits of a United Kingdom enterprise shall not be subject to Canadian tax unless the enterprise carries on business in Canada through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by Canada on those profits but only on so much of them as is attributable to that permanent establishment.

(2) The industrial or commercial profits of a Canadian enterprise shall not be subject to United Kingdom tax unless the enterprise carries on business in the United Kingdom through a permanent

establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by the United Kingdom on those profits but only on so much of them as is attributable to that permanent establishment.

(3) Where an enterprise of one of the territories carries on business in the other territory through a permanent establishment situated therein, there shall in each territory be attributed to that permanent establishment the industrial or commercial profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

(4) In determining the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions all expenses which would be deductible if the permanent establishment were an independent enterprise in so far as they are reasonably allocable to the permanent establishment, including executive and general administrative expenses so deductible and allocable, whether incurred in the territory in which the permanent establishment is situated or elsewhere.

(5) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(6) Any dividend, interest, royalty or rent arising in one of the territories to a resident of the other territory who has in the first-mentioned territory a permanent establishment with which, as the case may be, the holding by virtue of which the dividend is paid, or the debt-claim from which the interest arises, or the right or property giving rise to the royalty or rent, is effectively connected, may be taxed as industrial or commercial profits; subject to this, the term "industrial or commercial profits" does not include income in the form of dividends, interest, royalties, or rents or remuneration for labour or personal services.

ARTICLE IV.

Where

- (a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory,

and in either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V.

Profits of an enterprise from the operation of ships or aircraft in international traffic shall be taxable only in the territory in which the place of effective management of the enterprise is situated.

ARTICLE VI.

Subject to paragraph (6) of Article III, copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (but not including rents or royalties in respect of motion picture films and films or video tapes for use in connection with television) derived from sources within one of the territories by a resident of the other territory who is subject to tax in that other territory in respect thereof shall be exempt from tax in that first-mentioned territory.

ARTICLE VII.

(1) Any pension (other than a pension referred to in paragraph (2), (3) or (4) of this Article), or any annuity derived from sources within one of the territories by an individual who is a resident of the other territory shall be exempt from tax in the first-mentioned territory.

Provided that this paragraph shall also apply instead of paragraphs (2), (3) and (4) to any pensions referred to in those paragraphs if the provisions of this paragraph are more favourable to the individual to whom the pension is paid.

(2) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to an individual for services rendered to it in the discharge of governmental functions by that individual shall be exempt from tax in the territory of the other Contracting Government if

- (a) that individual was a resident of the other territory on the relevant date;
- (b) the first payment period of that pension commenced before the relevant date; and
- (c) that pension would have been exempt from tax in that territory if Article VIII of the Agreement between Canada and the United Kingdom with respect to taxes on income signed in London on the 5th day of June 1946 were in force.

(3) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to the surviving spouse or other surviving dependant of an individual who died before the relevant date, in respect of services rendered to it in the discharge of governmental functions by that individual, shall be exempt from tax in the territory of the other Contracting Government if

- (a) that spouse or other dependant was a resident of the other territory on the relevant date, and
- (b) that pension would have been exempt from tax in that territory if Article VIII of the Agreement between Canada and the United Kingdom with respect to taxes on income signed in London on the 5th day of June 1946 were in force.

(4) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to the surviving spouse or other surviving dependant of an individual who died after the relevant date in respect of services rendered to it in the discharge of governmental functions by that individual shall be exempt from tax in the territory of the other Contracting Government if it relates to a pension paid to that individual which was exempt from tax in the territory of the other Contracting Government by virtue of paragraph (2).

(5) In this Article the term "relevant date" means, in relation to a pension paid to a resident of Canada, 1st day of January 1965 and, in relation to a pension paid to a resident of the United Kingdom, 6th day of April 1965.

ARTICLE VIII.

(1) The taxation authorities of the Contracting Governments shall, on request, exchange such information (being information which is at their disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of this Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of this Agreement. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

(2) The taxation authorities of the Contracting Governments may communicate with each other directly for the purpose of giving effect to the provisions of this Agreement and for resolving any difficulty or doubt as to the application or interpretation of the Agreement.

ARTICLE IX.

(1) This Agreement may be extended, either in its entirety or with modifications, to any territory for whose international relations the United Kingdom is responsible, and which imposes taxes substantially similar in character to those which are the subject of this Agreement, and any such extension shall take effect from such date and subject to such modifications and conditions (including conditions as to termination) as may be specified and agreed between the Contracting Governments in notes to be exchanged for this purpose.

(2) The termination of this Agreement under Article XI shall, unless otherwise expressly agreed by both Contracting Governments, terminate the application of the Agreement to any territory to which it has been extended under this Article.

ARTICLE X.

This Agreement shall come into force on the date on which the last of all such things shall have been done in the United Kingdom and Canada as are necessary to give the Agreement the force of law in the United Kingdom and Canada respectively, and shall thereupon have effect—

(a) in Canada:

- (i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after the 1st day of January 1965;
- (ii) in respect of other Canadian tax, for the 1965 taxation year and subsequent years;

(b) in the United Kingdom:

- (i) in respect of income tax for the year of assessment beginning on the 6th day of April, 1965, and subsequent years;
- (ii) in respect of surtax for the year of assessment beginning on the 6th day of April, 1964, and subsequent years;
- (iii) in respect of profits tax for any chargeable accounting period beginning on or after the 1st day of January, 1965, and for the unexpired portion of any chargeable accounting period current at that date; and
- (iv) in respect of corporation tax for the financial year 1964 and subsequent years.

ARTICLE XI

This Agreement shall continue in effect until terminated in accordance with the provisions of this Article. Notice of termination may be given by either Contracting Government to the other Contracting Government on, or before the 30th day of June in any calendar year and in such event this Agreement shall cease to be effective—

(a) in Canada:

- (i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after the 1st day of January in the calendar year next following that in which such notice is given; and
- (ii) in respect of other Canadian tax for any taxation year ending in or after the calendar year next following that in which such notice is given;

(b) in the United Kingdom:

- (i) in respect of income tax for any year of assessment beginning on or after the 6th day of April in the calendar year next following that in which such notice is given;
- (ii) in respect of surtax for any year of assessment beginning on or after the 6th day of April in the calendar year in which such notice is given;
- (iii) in respect of corporation tax for any financial year beginning on or after the 1st day of April in the calendar year next following that in which notice is given.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement.

DONE at Ottawa this sixth day of December, 1965, in two copies in the English and French languages, both texts being equally authentic.

(Sgd.) MITCHELL W. SHARP
FOR THE GOVERNMENT OF CANADA

(Sgd.) H. LINTOTT
FOR THE GOVERNMENT OF THE
UNITED KINGDOM

SCHEDULE II.

SUPPLEMENTARY AGREEMENT MODIFYING THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE ROYAL GOVERNMENT OF SWEDEN FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE ESTABLISHMENT OF RULES FOR RECIPROCAL FISCAL ASSISTANCE IN THE MATTER OF INCOME TAXES SIGNED AT OTTAWA ON APRIL 6, 1951

The Government of Canada and the Royal Government of Sweden desiring to conclude a Supplementary Agreement modifying the Agreement for the avoidance of double taxation and the establishment of rules for reciprocal fiscal assistance in the matter of income taxes signed at Ottawa on April 6, 1951, have agreed as follows:

ARTICLE I.

The provisions of the above-mentioned Agreement are hereby modified as follows:

(a) by deleting Article I and replacing it with the following:

"ARTICLE I.

1. The taxes which are subject to this Agreement are

(a) In Canada:

income taxes, including the old age security tax on income, which are imposed by the Government of Canada; (hereinafter referred to as "Canadian tax").

(b) In Sweden:

(i) the State income tax, including sailors tax and coupon tax;
(ii) the tax on public entertainers;
(iii) the communal income tax;

(hereinafter referred to as "Swedish tax").

2. This Agreement shall also apply to any other taxes of a substantially similar character which are subsequently imposed by the Government of Canada, and to any other State income tax and communal income tax of a substantially similar character which are subsequently imposed in Sweden";

(b) by deleting in paragraph 1 of Article VI the words—

"Notwithstanding the provisions of the foregoing paragraph, the Canadian tax on dividends paid to a company which is a resident of Sweden by a company resident in Canada, more than 50 per cent of whose shares which have under all circumstances full voting rights are owned by the former company, shall not exceed 5 per cent.";

(c) by deleting in paragraph 2 of Article VI the words—

“Notwithstanding the provisions of the foregoing paragraph, the Swedish coupon tax on dividends paid to a company which is a resident of Canada by a company resident in Sweden, more than 50 per cent of whose shares which have under all circumstances full voting rights are owned by the former company, shall not exceed 5 per cent.”;

(d) by deleting in paragraph 1 of Article XV the words—

“The special tax payable in Sweden by public entertainers such as theatre and radio artists, musicians and athletes (*bevillningsavgifter för vissa offentliga föreställningar*) shall be regarded, for purposes of this paragraph, as Swedish tax.”;

(e) by deleting paragraph 2 of Article XV and replacing it with the following:

“2. Where income from sources in Canada under the laws of Canada and in accordance with this Agreement is subject to Canadian tax to which this Agreement applies, Sweden agrees to allow such Canadian tax paid in respect of that income as a deduction from and limited to the Swedish tax payable thereon.

However, where such income is a dividend paid by a company being a resident of Canada to a company which is a resident of Sweden, the dividend shall be exempt from Swedish tax, provided that in accordance with the laws of Sweden the dividend would be exempt from Swedish tax if the company paying the dividend had been a resident of Sweden and not a resident of Canada.”

ARTICLE II.

(1) This Supplementary Agreement is done in the English, French and Swedish languages, the texts having equal force. It shall be ratified by the two Contracting Governments. Ratification by His Majesty the King of Sweden shall be subject to the consent of the Riksdag.

(2) The instruments of ratification shall be exchanged as soon as possible at Ottawa.

(3) This Supplementary Agreement shall come into force on the date on which the instruments of ratification are exchanged and shall thereupon have effect:

(a) In Sweden:

- (i) in respect of tax on income for the assessment year 1967 and subsequent assessment years;
- (ii) in respect of coupon tax on dividends payable on or after 1st April, 1966;
- (iii) in respect of sailors tax and the tax on public entertainers on income derived on or after 1st January, 1966.

(b) In Canada:

- (i) in respect of income taxes, including the old age security tax on income, for the taxation year 1966 and subsequent taxation years;
- (ii) in respect of the tax withheld at the source on dividends, to any dividends paid or credited on or after 1st April, 1966.

(4) This Supplementary Agreement shall continue in force indefinitely as though it were an integral part of the Agreement of April 6, 1951.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Supplementary Agreement.

DONE in duplicate at Stockholm this 21st day of January, 1966.

FOR THE GOVERNMENT OF CANADA:

(Sgd.) A. J. ANDREW

FOR THE ROYAL GOVERNMENT OF SWEDEN:

(Sgd.) TORSTEN NILSSON

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 15

An Act respecting the construction of a line of railway in the Province of Ontario by Canadian National Railway Company from the vicinity of Amesdale on the Redditt Subdivision of the Canadian National Railway in a north northwesterly direction for a distance of approximately 68 miles to a point in the vicinity of Bruce Lake, in the District of Kenora.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Governor in Council may provide for the construction and completion by Canadian National Railway Company (in this Act called "the Company") prior to the 31st day of December, 1968, or such later date as the Governor in Council may fix, of the line of railway (in this Act called the "railway line") described in the Schedule.

Construction
and
completion.

2. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway line in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

Competitive
bids or
tenders.

3. Estimates of the mileage of the railway line, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, the Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per cent.

Maximum
expendi-
ture.

Issue of securities.

4. Subject to the provisions of this Act and the approval of the Governor in Council, the Company may, in respect of the cost of the construction and completion of the railway line, or to provide amounts required for the repayment of loans made under section 5, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities"), not exceeding in the aggregate, exclusive of any securities issued to secure loans made under section 5, the sum of twelve million seven hundred and sixty-five thousand dollars, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary loans.

5. To enable the work of construction and completion of the railway line to proceed forthwith, the Minister of Finance, upon application made to him by the Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Company out of the Consolidated Revenue Fund, not exceeding twelve million seven hundred and sixty-five thousand dollars, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by securities that the Company is authorized to issue under section 4.

Guarantee.

6. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities that the Company may issue under the provisions of this Act.

Form and terms.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Guarantees may be general or separate.

(3) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue or a separate guarantee endorsed on each of the securities.

Temporary guarantees.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced by permanent guarantees.

Deposit of proceeds of sale, etc., of securities.

7. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or

shall be deposited to the credit of the Minister of Finance in trust for the Company, in one or more banks designated by him.

(2) The Board of Directors of the Company may authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection (1) to the Company for the purpose of meeting expenditures in respect of the construction of the railway line, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport, the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly.

Release of
deposits.

8. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the date of completion fixed by or under section 1, a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any advances made under section 5 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct.

Report to
Parliament.

SCHEDULE.

Location	Estimates		
	Mileage	Cost of Construction	Average cost per mile
From the vicinity of Amesdale on the Redditt Subdivision in a north northwesterly direction to a point near Iron Bay on the westerly shore of Bruce Lake, District of Kenora, Province of Ontario.....	68	\$11,100,000	\$163,234

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 16

An Act to amend the Export and Import Permits Act.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., cc. 104,
321;
1953-54, c. 27;
1957, c. 7;
1960, c. 12;
1963, c. 4.

1. Section 27 of the *Export and Import Permits Act* is repealed and the following substituted therefor:

1963, c. 4,
s. 1.

"27. This Act shall expire on the 31st day of July, 1969."

Duration.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 17

An Act to amend the Farm Credit Act.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1959, c. 43;
1960-61, c. 36;
1962-63, c. 7;
1964-65, c. 12.

1. Section 12 of the *Farm Credit Act* is repealed and the following substituted therefor:

1964-65, c. 12,
s. 2.

"12. At the request of the Corporation, the Minister of Finance may with the approval of the Governor in Council pay to the Corporation, out of the Consolidated Revenue Fund, amounts not exceeding in the aggregate forty million dollars, and the money paid to the Corporation under this section constitutes the capital of the Corporation."

Capital.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 18

An Act to provide for the development of the commercial fisheries of Canada.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

- 1.** This Act may be cited as the *Fisheries Development Act*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | | |
|-----|--|-------------------------------------|
| (a) | “fishery products” includes any fishery resources and any products derived from the fishery resources of Canada; | Definitions.
“Fishery products.” |
| (b) | “fishery resources” includes fish, molluscs, crustaceans, marine mammals and marine plants; and | “Fishery resources.” |
| (c) | “Minister” means the Minister of Fisheries. | “Minister.” |

FISHERIES DEVELOPMENT PROJECTS.

- 3.** (1) The Minister may undertake projects,
- | | | |
|-----|--|----------------------------------|
| (a) | for the more efficient exploitation of fishery resources and for the exploration for and development of new fishery resources and new fisheries; | Minister may undertake projects. |
| (b) | for the introduction and demonstration to fishermen of new types of fishing vessels and fishing equipment and of new fishing techniques; and | |

(c) for the development of new fishery products and for the improvement of the handling, processing and distribution of fishery products.

Minister may undertake projects jointly with a province.

(2) The Minister may enter into an agreement with any province providing for the undertaking jointly with the government of the province or any agency thereof of any project that the Minister is authorized to undertake under subsection (1).

Minister may make payments to a province.

(3) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province providing for the payment to the province of contributions in respect of the cost of any project that is undertaken by the government of the province or any agency thereof and that the Minister is authorized to undertake under subsection (1).

Economic studies.

(4) For the purpose of assisting the formulation and assessment of fisheries development projects, the Minister may undertake economic studies alone or jointly with the government of any province or agency thereof or with any university, educational institution or person, and may coordinate such studies with similar studies undertaken in Canada.

Minister may enter into agreements with persons.

(5) The Minister may enter into an agreement with any person for the joint undertaking of any project that the Minister is authorized to undertake under subsection (1) or for the payment to any person of contributions in respect of the cost of any such project undertaken by that person.

Minister to make use of services, etc. of other departments.

4. The Minister shall, in carrying out any project or economic study under this Act, make use, wherever possible, of the services and facilities of other departments of the Government of Canada or of any agencies thereof.

Minister may make payments.

5. The Minister may make payments to such persons or classes of persons, in such amounts and on such terms and conditions as may be prescribed by the Governor in Council,

- (a) for the construction and equipment of
 - (i) commercial cold storages, or
 - (ii) commercial bait freezing facilities equipped with mechanical refrigeration, that will be suitable for the preservation of fishery products;
- (b) for the modification of
 - (i) commercial cold storages, or
 - (ii) commercial bait freezing facilities equipped with mechanical refrigeration,
 to make such cold storages or bait freezing

facilities suitable for the preservation of fishery products; and

- (c) for the construction and equipment of fishing vessels.

TERMS AND CONDITIONS OF AGREEMENTS.

- 6.** Every agreement entered into pursuant to subsection (2) or (3) of section 3 shall, Provisions to be included in agreements.
- (a) specify the respective proportions of the cost of any project to which the agreement relates that shall be paid by the Minister and the province or the contribution in respect of such project that shall be paid by the Minister, and the times at which such amounts to be paid by the Minister or the province shall be paid;
 - (b) specify the authority that shall be responsible for the undertaking, operation and maintenance of any project or any part thereof to which the agreement relates;
 - (c) specify the respective proportions of the revenues from any project to which the agreement relates that are to be paid to the Minister and the province; and
 - (d) specify the terms and conditions as to the operation and maintenance of any project to which the agreement relates and the charges, if any, to be charged to persons to whom any of the benefits of the project are made available.

GENERAL.

- 7.** (1) The Minister may, in order to carry out the purposes and provisions of this Act, establish such advisory committees as he deems necessary and appoint the members thereof. Advisory committees.

(2) Each member of a committee established under subsection (1) is entitled to be paid such amount for each day he attends any meeting of the committee as may be fixed by the Governor in Council and is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the course of his duties. Remuneration and expenses of members.

- 8.** (1) All expenditures for the purposes of this Act shall be paid out of money appropriated by Parliament therefor. Expenditures.

(2) No agreement entered into pursuant to subsection (2), (3) or (5) of section 3 providing for the Validity of agreements.

payment of any money by the Minister has any force or effect until such time as money has been appropriated by Parliament for the purpose of discharging any commitment under that agreement.

- Regulations. **9.** The Governor in Council may make regulations,
- (a) prescribing, for the purposes of section 5, the persons to whom payments may be made, the maximum amount of each such payment and the terms and conditions on which such payments may be made;
 - (b) prescribing matters, including matters similar to those required to be specified in an agreement under subsection (2) or (3) of section 3, to be provided for in agreements entered into pursuant to subsection (5) of section 3; and
 - (c) with respect to any other matter concerning which he deems regulations necessary or desirable to carry out the purposes and provisions of this Act.

- Report. **10.** The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operations for that year under this Act and under agreements made under this Act.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 19

An Act to provide for the establishment of a
Science Council of Canada.

[Assented to 12th May, 1966.]

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

SHORT TITLE.

1. This Act may be cited as the *Science Council of Canada Act*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | |
|--|--|
| <p>(a) "Council" means the Science Council of Canada established pursuant to section 3; and</p> <p>(b) "Minister" means such member of the Queen's Privy Council for Canada as may be designated by the Governor in Council to act as the Minister for the purposes of this Act.</p> | <p>Definitions.</p> <p>"Council."</p> <p>"Minister."</p> |
|--|--|

SCIENCE COUNCIL.

- 3.** There shall be a Science Council of Canada consisting of not more than
- | | |
|--|--|
| <p>(a) twenty-five members chosen from among persons having a specialized interest in science or technology, and</p> <p>(b) four associate members chosen from among officers or employees of Her Majesty employed in departments or agencies of the Government of Canada,</p> | <p>Establishment and constitution.</p> |
|--|--|
- to be appointed by the Governor in Council as provided in section 4.

Tenure of members. **4.** (1) Each of the members of the Council shall be appointed to hold office for a term of not more than three years, except that of those first appointed not less than one-third shall be appointed for a term of two years and not less than one-third shall be appointed for a term of four years.

Tenure of associate members. (2) Each of the associate members of the Council shall be appointed to hold office during pleasure.

Chairman and vice-chairman of Council. **5.** (1) The Governor in Council shall appoint one of the members to be chairman of the Council and one of the members to be vice-chairman of the Council for such term, not exceeding three years, as is fixed by the Governor in Council.

Absence of chairman. (2) In the event of the absence or incapacity of the chairman, or if the office of chairman is vacant, the vice-chairman shall act as chairman.

Reappointment. **6.** A retiring chairman, vice-chairman or other member is eligible for reappointment to the Council in the same or another capacity.

Remuneration of chairman. **7.** (1) The chairman of the Council shall be paid such remuneration and expenses as are authorized by the Governor in Council.

Travelling and living expenses. (2) The members and associate members of the Council, other than the chairman, shall serve without remuneration but are entitled to be paid reasonable travelling and other expenses while absent from their ordinary place of residence in the course of their duties.

Remuneration of members for additional duties. (3) Notwithstanding subsection (2), a member of the Council other than the chairman may, for any period during which he performs with the approval of the Council any duties on behalf of the Council in addition to his ordinary duties as a member thereof, be paid such remuneration therefor as may be authorized by the Governor in Council.

Quorum. **8.** A majority of the members constitutes a quorum of the Council.

Meetings. **9.** The Council shall meet at least twice a year at the City of Ottawa and may meet at such other places at such times as it deems necessary.

Procedure and establishment of committees. **10.** The Council may make rules for the regulation of its proceedings and the performance of its functions and may establish special or standing committees of its members and advisory committees consisting of members of the Council and persons other than members.

DUTIES.

11. It shall be the duty of the Council to assess in a comprehensive manner Canada's scientific and technological resources, requirements and potentialities and to make recommendations thereon to the Minister; and in particular it shall be the duty of the Council to give consideration to, and make reports and recommendations to the Minister on,

Duties of the Council.

- (a) the adequacy of the scientific and technological research and development being carried on in Canada;
- (b) the priorities that should be assigned in Canada to specific areas of scientific and technological research;
- (c) the effective development and utilization of scientific and technological manpower in Canada;
- (d) long term planning for scientific and technological research and development in Canada;
- (e) the factors involved in Canada's participation in international scientific or technological affairs;
- (f) the responsibilities of departments and agencies of the Government of Canada, in relation to those of universities, private companies and other organizations, in furthering science and technology in Canada;
- (g) the statistical and other information on scientific and technological research and development that should be obtained in order to provide a proper basis for the formulation of government policy in relation to science and technology in Canada; and
- (h) the best means of developing and maintaining cooperation and the exchange of information between the Council and other public or private organizations concerned with the scientific, technological, economic or social aspects of life in Canada.

12. (1) The Minister may refer to the Council for its consideration and advice such matters relating to science and technology in Canada or otherwise relating to the operation of this Act as he thinks fit.

Reference to the Council.

(2) The Council shall investigate and report to the Minister on all matters referred to it pursuant to subsection (1) and shall make such recommendations to the Minister in respect thereof as it deems appropriate.

Council to investigate and report.

Initiation
of studies,
etc.

13. The Council shall on its own initiative, or if directed to do so by the Minister, conduct such studies, inquiries and other undertakings as may be necessary with respect to any matter coming within sections 11 and 12 or with respect to any other matter relating to the carrying out of its duties under those sections, and shall report to, advise or make recommendations to the Minister with respect thereto as the circumstances require.

GENERAL.

Council may
utilize
services of
employees
of other
Departments.

14. (1) In carrying out its duties the Council may utilize the services of such officers and employees of Her Majesty employed in departments of the Government of Canada as the Governor in Council may designate for the purpose.

Advisors.

(2) The Minister may, at the request of the Council, engage for temporary periods or for specific projects persons having a technical or specialized knowledge of any matter relating to the work of the Council, to advise and assist the Council in the performance of its duties under this Act and such persons shall receive such remuneration for their services as the Treasury Board may authorize.

Not agent
of Her
Majesty.

15. The Council is not an agent of Her Majesty and the members of the Council as such are not part of the public service of Canada.

Financial.

16. All expenditures for the purposes of this Act shall be paid out of moneys appropriated by Parliament therefor.

Annual
report.

17. The chairman of the Council shall, within three months after the termination of each fiscal year, transmit to the Minister a report of the operations of the Council for that fiscal year and the Minister shall cause such report to be laid before Parliament within fifteen days after the receipt thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 20

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 2nd June, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 5, 1966*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole, four hundred and fifty million, nine hundred and forty-four thousand, four hundred and seventy-eight dollars and one cent, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the aggregate of \$450,944,478.01
granted for
1966-67.

- (a) one-twelfth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament except Trans-

- port Vote 103 for which no proportion is granted hereby.....\$408,953,242.58;
- (b) eight-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A\$11,666,666.67;
- (c) three-twelfths of the amount of the item in the said Main Estimates set forth in Schedule B\$21,025,000.00;
- (d) two-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule C.....\$4,285,833.34;
- (e) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule D.....\$5,013,735.42.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered. R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$11,666,666.67, being eight-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	MINES AND TECHNICAL SURVEYS		
L40	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>		*17,500,000

*Net total \$11,666,666.67.

SCHEDULE B.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$21,025,000.00, being three-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	EXTERNAL AID OFFICE		
35	Economic, technical, educational and other assistance as detailed in the Estimates including authority to credit the amount of the sub-vote for International Development Assistance to the special account in the Consolidated Revenue Fund established by External Affairs Vote 33d of <i>Appropriation Act No. 2, 1965</i>		*84,100,000

*Net total \$21,025,000.00.

SCHEDULE C.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$4,285,833.34, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE		
	GOVERNMENT ADMINISTRATION		
15	Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the <i>Public Servants Inventions Act</i> , subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations.....	15,000,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
80	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....	10,715,000	
			*25,715,000

*Net total \$4,285,833.34.

SCHEDULE D.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$5,013,735.42, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES		
	FISHERIES MANAGEMENT AND DEVELOPMENT		
5	Operation and Maintenance, including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry.....	18,099,000	
	FISHERIES RESEARCH BOARD OF CANADA		
20	Administration, Operation and Maintenance, including an amount of \$265,000 for grants for Fisheries Research and for Scholarships and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research.....	8,770,000	
	FORESTRY		
	FORESTRY		
15	Administration, Operation and Maintenance, including grants as detailed in the Estimates....	12,620,000	
	LEGISLATION		
	THE SENATE		
5	General Administration.....	1,179,700	
	HOUSE OF COMMONS		
15	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates to and from other legislatures, including the expenses of the Commonwealth Parliamentary Conference to be held in Ottawa in 1966, Canada's share of the expenses of the Commonwealth Parliamentary Association including the assessment for membership in the Association, and grants as detailed in the Estimates.....	458,725	

SCHEDULE D—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL HEALTH AND WELFARE		
	MEDICAL SERVICES		
25	Construction or Acquisition of Buildings, Works, Land and Equipment including payments to hospitals and other institutions which care for Indians and Eskimos as contributions toward the construction of hospitals and related facilities.....	3,450,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATURAL AND HISTORIC RESOURCES		
15	Administration, Operation and Maintenance including wildlife resources conservation and development, administration of the <i>Migratory Birds Convention Act</i> and payments to land owners who maintain migratory bird habitat in accordance with agreements entered into on terms and conditions approved by the Governor in Council, payment to National Battlefields Commission for the purposes and subject to the provisions of an <i>Act respecting the National Battlefields at Quebec</i> , grants as detailed in the Estimates and authority to make expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia.....	15,587,400	
			*60,164,825

*Net total \$5,013,735.42.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 21

An Act to give effect to Term 29 of the Terms of
Union of Newfoundland with Canada.

[Assented to 2nd June, 1966.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

1. This Act may be cited as the *Newfoundland Short title.*
Additional Financial Assistance Act, 1966.

2. In addition to all other payments, grants, Annual
subsidies and allowances payable to the Province of payment to
Newfoundland, the Minister of Finance, on behalf of the Newfoundland
Government of Canada, shall, out of the Consolidated by way of
Revenue Fund, pay to the Province of Newfoundland additional
in the fiscal year commencing on the 1st day of April, 1967 financial
and in each and every fiscal year thereafter unless and assistance.
until otherwise provided by any agreement in that behalf
hereafter entered into between the Government of Canada
and the Government of Newfoundland, an annual amount,
by way of additional financial assistance as contemplated
by Term 29 of the Terms of Union of Newfoundland with
Canada, of eight million dollars.

3. Section 3 of the *Federal-Provincial Fiscal 1964-65,*
Revision Act, 1964 and the heading preceding that section c. 26, s. 3.
are repealed.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 22

An Act to amend the Northwest Territories Act.

[Assented to 2nd June, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., 1952,
c. 331;
1953-54, c. 8;
1955, cc. 21,
48;
1957-58, c. 30;
1959, c. 7;
1960, c. 20.

1. Subsection (1) of section 8 of the *Northwest Territories Act* is repealed and the following substituted therefor:

1953-54, c. 8,
s. 2(1).

"8. (1) There shall be a Council of the Territories consisting of twelve members, seven of whom shall be elected to represent such electoral districts in the Territories as are named and described by the Commissioner in Council, and five of whom shall be appointed by the Governor in Council."

Council.

2. Subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

"9. (1) Subject to subsection (2), the Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council and of those eligible for nomination and election as members of the Council and the reasons for or matters by which an elected member may be or become disqualified from being or sitting as a member of the Council."

Commissioner in Council may prescribe qualifications of electors, candidates, etc.

3. Section 12 of the said Act is repealed and the following substituted therefor:

1955, c. 21,
s. 1.

"12. (1) Subject to this section, the Commissioner in Council may provide for the payment out of the Northwest Territories Consolidated Revenue Fund of indemnities to members of the Council as follows:

Sessional indemnity for members.

(a) each elected member of the Council may be paid an indemnity at the rate of five thousand dollars per annum, and

(b) each appointed member of the Council may be paid an indemnity at the rate of three thousand five hundred dollars per annum,

less a deduction of one hundred and fifty dollars for each day in a session in excess of three on which the member does not attend a sitting of the Council, if the Council sits on that day.

Payment of indemnities.

(2) Indemnities provided under subsection (1) shall be paid quarterly, in equal amounts as nearly as may be, on or before the last day of March, June, September and December in each year.

No indemnity for employee in Public Service.

(3) An appointed member is not entitled to an indemnity under subsection (1) if he is employed in the Public Service within the meaning of the *Public Service Superannuation Act*.

Expenses of councillors.

(4) In addition to the indemnities payable under subsection (1), each member of the Council may be paid the reasonable travelling and living expenses incurred by him in going from his ordinary place of residence to the place where the Council holds its session and in returning from such place to his ordinary place of residence, but no payment of travelling and living expenses shall be made to a member in respect of more than one return trip for each session of the Council.

When member deemed in attendance for purposes of ascertaining indemnity.

(5) For the purpose of ascertaining the indemnity to which a member is entitled under subsection (1), a member of the Council shall be deemed to have attended a sitting of the Council on each day when

(a) there is a sitting of the Council and he is absent therefrom because of public or official business; or

(b) he is in the place where a sitting of the Council is held but is unable to attend the sitting because of his illness.

Indemnity not taxable.

(6) The first one thousand dollars of the indemnity paid to a member of the Council under subsection (1) in any year is not income for the purposes of the *Income Tax Act*."

Money.

4. Section 13 of the said Act is amended by adding thereto, immediately after paragraph (v) thereof, the following paragraph:

"(va) the expenditure of money for territorial purposes;"

5. The heading preceding section 19, section 19 and section 19A of the said Act are repealed and the following substituted therefor: 1957-58, c. 30, s. 1.

“Northwest Territories Consolidated Revenue Fund.

19. (1) All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Northwest Territories Consolidated Revenue Fund. Northwest Territories Consolidated Revenue Fund.

(2) The Commissioner shall establish, in the name of the government of the Northwest Territories, accounts with such banks to which the *Bank Act* applies as he designates for the deposit of public moneys and revenue. Establishment of bank accounts.

19A. It shall not be lawful for the Council to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of the Territories, or of any tax or impost, to any purpose that has not been first recommended to the Council by message of the Commissioner in the session in which such vote, resolution, address or bill is proposed. Recommendation of Commissioner.

19B. When any sum of money is granted to Her Majesty by Parliament to defray expenses for any specified public service in the Territories, the power of appropriation by the Commissioner in Council over that sum is subject to the specified purpose for which it is granted. Appropriation of moneys granted by Parliament.

Territorial Accounts.

19c. (1) A report for each fiscal year of the Territories, called the Territorial Accounts, shall be laid before the Council by the Commissioner on or before the thirtieth day of June next following the termination of the fiscal year, or if the Council is not then in session, on the opening day of the next ensuing session, and the Council shall consider the same. Submission of Territorial Accounts to Council.

(2) The Territorial Accounts shall be in such form as the Commissioner may direct and shall include Contents of Territorial Accounts.

- (a) a report on the financial transactions of the fiscal year;
- (b) a statement, certified by the Auditor General, of the expenditures and revenues of the Territories for the fiscal year;

- (c) a statement, certified by the Auditor General, of assets and liabilities as at the termination of the fiscal year; and
- (d) such other information or statements as are required in support of the statements referred to in paragraphs (b) and (c), or as are required by Ordinance or by the Minister.

Fiscal year.

(3) The fiscal year of the Territories shall be the period from the first day of April in one year to the thirty-first day of March in the next year.

Examination by Auditor General.

(4) The accounts and financial transactions of the Territories shall be examined by the Auditor General who shall report annually to the Council the result of his examination, and the report shall state whether in his opinion

- (a) proper books of account have been kept by the Territories;
- (b) the financial statements of the Territories
 - (i) were prepared on a basis consistent with that of the preceding fiscal year and are in agreement with the books of account,
 - (ii) in the case of the statement of expenditures and revenues, give a true and fair view of the expenditures and revenues of the Territories for the fiscal year, and
 - (iii) in the case of the statement of assets and liabilities, give a true and fair view of the affairs of the Territories at the end of the fiscal year; and
- (c) the transactions of the Territories that have come under his notice have been within the powers of the Territories under this Act and any other Act applicable to the Territories;

and the Auditor General shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of the Council.

Powers of Auditor General.

(5) The Auditor General has, in connection with his examination of the accounts of the Territories, all the powers that the Auditor General has under the *Financial Administration Act* in connection with the examination of the accounts of Canada.

Powers to Borrow, Lend and Invest Money.

19D. (1) The Commissioner in Council may make Ordinances

- (a) for the borrowing of money by the Commissioner for territorial, municipal or local purposes on behalf of the Territories;

Further legislative powers of Commissioner in Council.

(b) for the lending of money by the Commissioner to any person in the Territories; and

(c) for the investing by the Commissioner of surplus money standing to the credit of the Northwest Territories Consolidated Revenue Fund.

(2) No money shall be borrowed, loaned or invested under the authority of this section without the approval of the Governor in Council.

Approval of
the Governor
in Council.

(3) The repayment of any money borrowed under the authority of this section, and the payment of interest thereon, is a charge on and payable out of the Northwest Territories Consolidated Revenue Fund."

Charge on
Northwest
Territories
Consolidated
Revenue
Fund.

6. Paragraph (b) of subsection (1) of section 38 of the said Act is repealed and the following substituted therefor:

"(b) every building or part thereof or other enclosure, other than those referred to in paragraph (a), that is designated as a prison, gaol or lockup for the purposes of this section by the Commissioner in Council."

7. Section 39 of the said Act is repealed and the following substituted therefor:

"**39.** (1) The Governor in Council may make rules and regulations for the management, discipline and policy of guardhouses, guardrooms or other places of confinement referred to in paragraph (a) of subsection (1) of section 38, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such guardhouse, guardroom or other place of confinement.

Regulations
respecting
R.C.M.P.
guardhouses,
etc.

(2) The Commissioner may make rules and regulations for the management, discipline and policy of prisons, gaols or lockups designated as such by the Commissioner in Council under paragraph (b) of subsection (1) of section 38, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such prison, gaol or lockup."

Regulations
respecting
prisons and
prisoners.

1953-54, c. 8,
s. 12.

8. Section 40 of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto, immediately after paragraph (c) thereof, the following paragraph:

"(d) lands acquired by the Territories pursuant to tax sale proceedings,"

9. The heading preceding section 43 and section 43 of the said Act are repealed and the following substituted therefor:

"Mentally Disordered Persons.

Arrangements
for transfer
to provincial
institutions.

43. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the admission to mental institutions, asylums or other suitable places in the province of

(a) mentally disordered persons and for the confinement, care and maintenance of such persons until the pleasure of the Commissioner is made known or until they are discharged by law,

(b) persons in respect of whom the Court, a police magistrate of the Territories or a justice of the peace in and for the Territories has ordered that a psychiatric examination be made, for the purpose of such examination, and

(c) persons in respect of whom the Commissioner has approved psychiatric examination and treatment, for the purpose of such examination and, where necessary, such treatment,

and for the compensation to be paid to the province in respect of the confinement, care, maintenance, examination and treatment of such persons.

Payment out
of Northwest
Territories
Consolidated
Revenue
Fund.

(2) The compensation to be paid to a province under subsection (1) shall be paid out of the Northwest Territories Consolidated Revenue Fund."

10. Subsections (1) and (2) of section 44 of the said Act are repealed and the following substituted therefor:

Recapture of
escaped
mentally
disordered
persons.

"44. (1) Where a mentally disordered person has escaped from a mental institution, asylum or other place of confinement, within or without the Territories, any person employed therein or connected therewith or other person requested by the person in immediate charge or control thereof may, within forty-eight hours after such escape, without a warrant, retake the escaped

person and return him thereto, or may, at any time after such escape up to the time specified in the warrant, do so if a warrant is issued to him for that purpose.

(2) A warrant may be issued for the purposes of subsection (1) by the person in immediate charge or control of the mental institution, asylum or other place of confinement from which the escape was made and shall contain the name and description of the escaped mentally disordered person, the name and office, if any, of the person to whom it is issued, the place to which and the person to whom the escaped person is to be returned and the time, not exceeding three months, for which the warrant is valid." Warrants.

11. The Ordinance entitled the *Electoral Districts Ordinance*, being chapter 4 of the Ordinances of the Northwest Territories, 1965, 2nd Session, shall be deemed for all purposes to have been validly made under sections 8 and 9 of the *Northwest Territories Act*, as amended by this Act, and where the Commissioner makes the order referred to in section 2 of the Ordinance, the electoral districts of the Northwest Territories shall be those named and described in Schedule A to the Ordinance and the qualifications of those entitled to vote at an election of members of the Council and of those eligible for nomination to be elected as members of the Council shall be those prescribed in Schedule B to the Ordinance.

12. If an election of members of the Council of the Northwest Territories is held at any time in the year 1966 after the coming into force of this Act, subsection (4) of section 112 of the *Canada Elections Act* shall be read, in respect of that election only, as follows:

"(4) The qualifications for electors in Northwest Territories elections shall be those established pursuant to section 9 of the *Northwest Territories Act* and in force on the day that the writs of election are issued."

13. Section 5 of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

14-15 ELIZABETH II.

CHAP. 23

An Act to amend An Act to amend
the Combines Investigation Act
and the Criminal Code.

[Assented to 16th June, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1959, c. 40;
1960, c. 45;
1960-61, c. 42;
1962-63, c. 4;
1964-65, c. 35.

1. Section 1 of *An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 40 of the Statutes of 1959 as amended by section 1 and the sections referred to in section 1 of *An Act to amend An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 35 of the Statutes of 1964-65, is repealed and the following substituted therefor:

1964-65, c. 35,
s. 1.

"1. Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen in British Columbia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day of January, 1959 and the later of

Application
of Acts to
fishing
agreements.

- (a) the 31st day of December, 1967, or
- (b) the thirtieth sitting day of Parliament next after the day on which any resolution of either House of Parliament, based on a notice of motion in that House signed by any ten members thereof and made in accordance with the

rules of that House, that this section cease to
be in force is concurred in by the other House,
or such sooner day as this section is repealed."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 24

An Act to amend the Fair Wages and Hours of Labour Act.

[Assented to 16th June, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 108.

1. Paragraph (a) of section 2 of the *Fair Wages and Hours of Labour Act* is repealed and the following substituted therefor:

“(a) “fair wages” means such wages as are generally accepted as current for competent workmen in the district in which the work is being performed for the character or class of work in which such workmen are respectively engaged; but shall in all cases be such wages as are fair and reasonable and shall in no case be less than the minimum hourly rate of pay prescribed by or pursuant to the *Canada Labour (Standards) Code*,” “Fair wages.”

2. Paragraph (b) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

“(b) any hours of work of persons so employed in excess of eight hours a day or forty hours a week shall be paid for at an overtime rate at least equal to one and one-half times the fair wages required to be paid under the contract except as the Governor in Council may otherwise prescribe; but the working hours of Eight hour day.

persons so employed shall not exceed eight hours in a day or forty-eight hours in a week except where longer daily or weekly hours are authorized

- (i) in such cases as the Governor in Council may prescribe, or
- (ii) by the Minister in cases of exceptional circumstances including, without limiting the generality of the foregoing, the circumstance that the work concerned has to be completed or carried on in a short working season or in a remote area, or that the public interest requires an expeditious completion of the work; and

Liquidated damages.

- (c) in the event of any default in carrying out any of the conditions set out in paragraphs (a) and (b) in respect of any employee, the contractor shall pay to Her Majesty as liquidated damages a sum of fifty dollars for every such default, and the Minister under whom the work contemplated by the contract is being executed may direct that the amount assessed as liquidated damages under this paragraph be deducted from any moneys payable to the contractor under the contract and be credited to the Consolidated Revenue Fund."

3. Subsection (2) of section 5 of the said Act is repealed and the following substituted therefor:

Conditions to be stipulated.

"(2) In every such agreement, there shall be inserted stipulations, in such form and terms as the Governor in Council may approve, designed to secure, so far as may be practicable, the observance, in the execution of the work contemplated, of the conditions set forth in paragraphs (a) and (b) of subsection (1) of section 3."

4. (1) Paragraph (b) of section 6 of the said Act is repealed and the following substituted therefor:

"(b) the fair employment practices required to be observed in the execution of contracts;"

(2) Paragraphs (i) and (j) of section 6 of the said Act are repealed and the following substituted therefor:

"(i) the subletting of contracts; and"

5. This Act does not apply to any contract for Saving.
which bids have been invited by the Government of Canada
on or before the commencement of this Act or to any contract
with the Government of Canada existing on that day.

6. This Act shall come into force on a day to be Commence-
fixed by proclamation of the Governor in Council. ment.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 25

An Act respecting the organization of the Government of Canada and matters related or incidental thereto.

[Assented to 16th June, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Government Organization Act, 1966*. Short title.

DEPARTMENT OF THE SOLICITOR GENERAL.

2. (1) There shall be a department of the Government of Canada called the Department of the Solicitor General over which the Solicitor General of Canada appointed by Commission under the Great Seal of Canada shall preside. Department established.

(2) The Solicitor General of Canada holds office during pleasure and has the management and direction of the Department of the Solicitor General. Solicitor General.

3. (1) The Governor in Council may appoint an officer called the Deputy Solicitor General to be the deputy head of the Department of the Solicitor General and to hold office during pleasure. Deputy Solicitor General.

(2) Such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in the manner authorized by law. Officers and employees.

4. The duties, powers and functions of the Solicitor General of Canada extend to and include all matters over which the Parliament of Canada has jurisdiction. Duties of Solicitor General of Canada.

diction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to

- (a) reformatories, prisons and penitentiaries;
- (b) parole and remissions; and
- (c) the Royal Canadian Mounted Police.

Annual
report.

5. The Solicitor General of Canada shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of the Solicitor General for that fiscal year.

DEPARTMENT OF THE REGISTRAR GENERAL.

Department
established.

6. (1) There shall be a department of the Government of Canada called the Department of the Registrar General over which the Registrar General of Canada appointed by Commission under the Great Seal of Canada shall preside.

Registrar
General.

(2) The Registrar General of Canada holds office during pleasure and has the management and direction of the Department of the Registrar General.

Deputy
Registrar
General.

7. (1) The Governor in Council may appoint an officer called the Deputy Registrar General of Canada to be the deputy head of the Department of the Registrar General and to hold office during pleasure.

Officers
and
employees.

(2) Such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in the manner authorized by law.

Duties of
Registrar
General.

8. The duties, powers and functions of the Registrar General of Canada extend to and include all matters over which the Parliament of Canada has jurisdiction not by law assigned to any other department, branch or agency of the Government of Canada, relating to

- (a) combines, mergers, monopolies and restraint of trade;
- (b) patents, copyrights and trade marks;
- (c) bankruptcy and insolvency; and
- (d) corporate affairs.

Registration
of
instruments,
etc.

9. (1) The Registrar General of Canada shall register all instruments of summons, proclamations, commissions, letters patent, letters patent of land, writs and other instruments and documents issued under the Great

Seal, and all bonds, warrants of extradition, warrants for removal of prisoners, leases, releases, deeds of sale, surrenders and all other instruments requiring registration.

(2) The Deputy Registrar General of Canada may sign and certify the registration of all instruments and documents required to be registered and all such copies of the same, or of any records in the custody of the Registrar General of Canada, as are required to be certified or authenticated as being copies of any such instruments, documents or records.

Certification
of
registration.

10. The Registrar General of Canada shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of the Registrar General for that fiscal year.

Annual
report.

DEPARTMENT OF MANPOWER AND IMMIGRATION.

11. (1) There shall be a department of the Government of Canada called the Department of Manpower and Immigration over which the Minister of Manpower and Immigration appointed by Commission under the Great Seal of Canada shall preside.

Department
established.

(2) The Minister holds office during pleasure and has the management and direction of the Department of Manpower and Immigration.

Minister.

12. (1) The Governor in Council may appoint an officer called the Deputy Minister of Manpower and Immigration to be the deputy head of the Department of Manpower and Immigration and to hold office during pleasure.

Deputy
Minister.

(2) Such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in the manner authorized by law.

Officers and
employees.

13. The duties, powers and functions of the Minister of Manpower and Immigration extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to

Duties of
Minister.

- (a) the development and utilization of manpower resources in Canada;
- (b) employment services; and
- (c) immigration.

Annual
report.

14. The Minister of Manpower and Immigration shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of Manpower and Immigration for that fiscal year.

DEPARTMENT OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT.

Department
established.

15. (1) There shall be a department of the Government of Canada called the Department of Indian Affairs and Northern Development over which the Minister of Indian Affairs and Northern Development appointed by Commission under the Great Seal of Canada shall preside.

Minister.

(2) The Minister of Indian Affairs and Northern Development holds office during pleasure and has the management and direction of the Department of Indian Affairs and Northern Development.

Deputy
Minister.

16. (1) The Governor in Council may appoint an officer called the Deputy Minister of Indian Affairs and Northern Development to be the deputy head of the Department of Indian Affairs and Northern Development and to hold office during pleasure.

Officers
and
employees.

(2) Such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in the manner authorized by law.

Duties of
Minister.

17. The duties, powers and functions of the Minister of Indian Affairs and Northern Development extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to

- (a) Indian affairs;
- (b) the Northwest Territories and the Yukon Territory and their resources and affairs;
- (c) Eskimo affairs;
- (d) national parks;
- (e) national battlefields, historic sites and monuments; and
- (f) migratory birds and other wild life.

Further
duties.

18. The Minister of Indian Affairs and Northern Development shall be responsible for

- (a) co-ordinating the activities in the Northwest Territories and the Yukon Territory of the

several departments, branches and agencies of the Government of Canada;

- (b) undertaking, promoting and recommending policies and programs for the further economic and political development of the Northwest Territories and the Yukon Territory; and
- (c) fostering, through scientific investigation and technology, knowledge of the Canadian north and of the means of dealing with conditions related to its further development.

19. The Minister of Indian Affairs and Northern Development Administration.

- (a) has the control, management and administration of all lands situated in the Northwest Territories or Yukon Territory belonging to Her Majesty in right of Canada except those lands therein that were immediately before the coming into force of this section under the control, management or administration of any Minister, department, branch or agency of the Government of Canada other than the Minister of Northern Affairs and National Resources or the Department of Northern Affairs and National Resources; and
- (b) shall administer all Acts, orders and regulations, not by law assigned to any other Minister, relating to any of the matters mentioned in section 17 or 18.

20. The Minister of Indian Affairs and Northern Development shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of Indian Affairs and Northern Development for that fiscal year. Report to Parliament.

21. Section 9 of the *Public Works Act* is amended by adding thereto the following subsection: R.S., c. 228.

“(2) The Minister has the control, management and administration of all lands belonging to Her Majesty in right of Canada except lands specially under the control, management or administration of any other Minister, department, branch or agency of the Government of Canada.” Crown lands.

DEPARTMENT OF FORESTRY AND RURAL DEVELOPMENT.

Department established. **22.** (1) There shall be a department of the Government of Canada called the Department of Forestry and Rural Development over which the Minister of Forestry and Rural Development appointed by Commission under the Great Seal of Canada shall preside.

Minister. (2) The Minister of Forestry and Rural Development holds office during pleasure and has the management and direction of the Department of Forestry and Rural Development.

Deputy Minister. **23.** (1) The Governor in Council may appoint an officer called the Deputy Minister of Forestry and Rural Development to be the deputy head of the Department of Forestry and Rural Development and to hold office during pleasure.

Officers and employees. (2) Such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in the manner authorized by law.

Duties of Minister. **24.** The duties, powers and functions of the Minister of Forestry and Rural Development extend to and include

- (a) all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to the forest resources of Canada; and
- (b) such matters over which the Parliament of Canada has jurisdiction relating to rural development as are by law assigned to the Minister of Forestry and Rural Development.

Annual report. **25.** The Minister of Forestry and Rural Development shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of Forestry and Rural Development for that fiscal year.

1960, c. 41. **26.** (1) The long title and sections 1 to 5 of the *Department of Forestry Act* (in this section referred to as the "said Act") are repealed and the following substituted therefor:

"An Act respecting forestry development and research.

SHORT TITLE.

1. This Act may be cited as the *Forestry Development and Research Act*. Short title.

2. In this Act, "Minister" means the Minister of Forestry and Rural Development. "Minister" defined.

PART I.

DEVELOPMENT AND RESEARCH."

(2) All that portion of subsection (1) of section 6 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"6. (1) Subject to section 24 of the *Government Organization Act, 1966*, respecting the duties, powers and functions of the Minister in relation to the forest resources of Canada over which the Parliament of Canada has jurisdiction, the Minister"

Duties, powers and functions of Minister.

(3) Section 6 of the said Act is further amended by adding thereto the following subsections:

"(3) The Minister may conduct economic studies relating to the forest resources, forest industries and marketing of forest products, make investigations designed to aid the forest industries and woodlot owners of Canada and assist external aid programs relating to forestry."

Studies and investigations.

(4) The Minister has, in relation to silviculture, the like powers, duties and functions as he has under this Act in relation to the protection and management of the forest resources of Canada, and the Minister has, in relation to the disposal of grass and forest products and to the granting of grazing rights or other rights in respect of the natural produce of the soil, the like powers as he has under this Act in relation to timber."

Silviculture and grass products.

(4) Section 7 of the said Act is repealed and the following substituted therefor:

"7. The Governor in Council may establish as a Forest Experimental Area

Forest Experimental Areas.

(a) lands belonging to Her Majesty in right of Canada; and

(b) lands provided therefor, pursuant to an agreement with the government of any province, by

the government of the province or any person in the province;
and may at any time withdraw lands from or add lands to a Forest Experimental Area."

DEPARTMENT OF ENERGY, MINES AND RESOURCES.

Department established.

27. (1) There shall be a department of the Government of Canada called the Department of Energy, Mines and Resources over which the Minister of Energy, Mines and Resources appointed by Commission under the Great Seal of Canada shall preside.

Minister.

(2) The Minister of Energy, Mines and Resources holds office during pleasure and has the management and direction of the Department of Energy, Mines and Resources.

Deputy Minister.

28. (1) The Governor in Council may appoint an officer called the Deputy Minister of Energy, Mines and Resources to be the deputy head of the Department of Energy, Mines and Resources and to hold office during pleasure.

Officers and employees.

(2) Such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in the manner authorized by law.

Duties, powers and functions of the Minister.

29. The duties, powers and functions of the Minister of Energy, Mines and Resources extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to

- (a) energy, mines and minerals, water and other resources;
- (b) explosives; and
- (c) technical surveys within the meaning of the *Resources and Technical Surveys Act*.

Annual report.

30. The Minister of Energy, Mines and Resources shall, on or before the 31st day of January next following the end of each fiscal year or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Department of Energy, Mines and Resources for that fiscal year.

R.S., c. 73.

31. (1) The long title and section 1 of the *Department of Mines and Technical Surveys Act* (hereinafter

in this section referred to as the "said Act") are repealed and the following substituted therefor:

"An Act respecting resources and technical surveys.

SHORT TITLE.

1. This Act may be cited as the *Resources and Technical Surveys Act*." Short title.

(2) Sections 3, 4, 5 and 10 of the said Act are repealed.

(3) The said Act is further amended by adding thereto, immediately after section 8 thereof, the following sections:

"**8A.** Subject to section 29 of the *Government Organization Act, 1966* respecting the duties, powers and functions of the Minister in relation to matters mentioned in that section over which the Parliament of Canada has jurisdiction, the Minister shall be responsible for co-ordinating, promoting and recommending national policies and programs with respect to energy, mines and minerals, water and other resources, and in carrying out his responsibilities under this section, the Minister may Powers.

- (a) conduct applied and basic research programs and investigations and economic studies in relation to such resources, and for that purpose maintain and operate research institutes, laboratories, observatories and other facilities for exploration and research related to the source, origin, properties, development or use of such resources; and
- (b) study, keep under review and consider recommendations with respect to matters relating to the exploration for, or the production, recovery, manufacture, processing, transmission, transportation, distribution, sale, purchase, exchange or disposition of, any such resources and matters relating to the sources thereof within or outside Canada.

8B. (1) In carrying out his responsibilities under section 8A, the Minister may formulate plans for the conservation, development and use of the resources specified in that section and for research with respect thereto, and with the authority of the Governor in Conservation, etc., of resources.

Council and in co-operation with other departments, branches and agencies of the Government of Canada, provide for carrying out such plans.

Co-operation
with
provinces and
municipali-
ties.

Consultation.

(2) The Minister may co-operate with the provinces and with municipalities in formulating and carrying out any plans under subsection (1).

(3) In carrying out his duties and functions under this section, the Minister may consult with and inaugurate conferences of representatives of producers, industry, the universities, labour and provincial and municipal authorities."

FINANCIAL ADMINISTRATION.

R.S., c. 116;
1955, c. 3;
1958, c. 31;
1960, c. 41;
1960-61, c. 48;
1963, cc. 3, 41.

32. (1) Sections 3 and 4 of the *Financial Administration Act* are repealed and the following substituted therefor:

Treasury
Board.

"**3.** (1) There shall be a committee of the Queen's Privy Council for Canada called the Treasury Board over which the President of the Treasury Board appointed by Commission under the Great Seal of Canada shall preside.

Composition
of
Committee.

(2) The committee constituting the Treasury Board shall, in addition to the President of the Treasury Board, consist of the Minister of Finance and four other members of the Queen's Privy Council for Canada who may be nominated from time to time by the Governor in Council.

Alternate
members.

(3) The Governor in Council may nominate such additional members of the Queen's Privy Council for Canada as he sees fit to be alternates to serve in the place of members of the Treasury Board.

Rules and
procedures.

(4) Subject to this Act and any directions of the Governor in Council, the Treasury Board may determine its own rules and procedures.

Duties of
President.

4. (1) The President of the Treasury Board holds office during pleasure and shall preside over meetings of the Board and shall in the intervals between meetings of the Board exercise or perform such of the powers, duties or functions of the Board as the Board may, with the approval of the Governor in Council, determine.

Secretary
of the
Treasury
Board.

(2) The Governor in Council may appoint an officer called the Secretary of the Treasury Board to hold office during pleasure and to perform such duties and functions as may be assigned to him by the Treasury

Board, and the Secretary of the Treasury Board shall rank as and have all the powers of a deputy head of a department.

(3) Such other officers and employees as are necessary for the proper conduct of the business of the Treasury Board shall be appointed in the manner authorized by law.” Officers and employees.

(2) The Treasury Board constituted pursuant to section 3 of the *Financial Administration Act* as amended by this section and the Treasury Board in existence immediately before the coming into force of this section are hereby declared to be for all purposes one and the same board. Declaration of identity.

33. Schedule A of the *Financial Administration Act* is repealed and the following substituted therefor:

“Schedule A.

Department of Agriculture
 Department of Defence Production
 Department of Energy, Mines and Resources
 Department of External Affairs
 Department of Finance
 Department of Fisheries
 Department of Forestry and Rural Development
 Department of Indian Affairs and Northern Development
 Department of Industry
 Department of Insurance
 Department of Justice
 Department of Labour
 Department of Manpower and Immigration
 Department of National Defence
 Department of National Health and Welfare
 Department of National Revenue
 Post Office Department
 Department of Public Printing and Stationery
 Department of Public Works
 Department of the Registrar General
 Department of the Secretary of State of Canada
 Department of the Solicitor General
 Department of Trade and Commerce
 Department of Transport
 Treasury Board
 Department of Veterans Affairs.”

DEPARTMENT OF STATE.

R.S., c. 77.

34. Section 4 of the *Department of State Act* is repealed and the following substituted therefor:

Powers of
the
Secretary
of State.

“4. (1) The duties, powers and functions of the Secretary of State of Canada extend to and include all matters over which the Parliament of Canada has jurisdiction, not by law assigned to any other department, branch or agency of the Government of Canada, relating to

- (a) citizenship;
- (b) elections;
- (c) State ceremonial, the conduct of State correspondence and the custody of State records and documents;
- (d) the encouragement of the literary, visual and performing arts, learning and cultural activities; and
- (e) libraries, archives, historical resources, museums, galleries, theatres, films and broadcasting.

National
Museum.

(2) The Secretary of State of Canada has the control, management and administration of the National Museum of Canada, and shall acquire, collect, classify, conserve, display, store, and be generally responsible for the safe custody of such objects as are necessary to acquire and disseminate a knowledge of human history, natural history, science, technology, and such other subjects as may be designated by the Governor in Council from time to time, with special but not exclusive reference to Canada, and shall conduct and promote research and other activities designed to further these objectives.”

SALARIES.

R.S., c. 243;
1953-54, c. 21;
1960, c. 41,
s. 15;
1963, c. 41,
s. 7.

35. Sections 4 and 5 of the *Salaries Act* are repealed and the following substituted therefor:

Salaries of
Ministers.

“4. The salaries of the following Ministers, members of the Queen’s Privy Council for Canada, are as follows:

	Per Annum \$
The Member of the Queen’s Privy Council holding the recognized position of First Minister.....	25,000
The Minister of Justice and Attorney General.....	15,000
The Minister of National Defence.....	15,000

The Minister of National Revenue.....	15,000
The Minister of Finance.....	15,000
The Minister of Transport.....	15,000
The Minister of Public Works.....	15,000
The President of the Queen's Privy Council for Canada.....	15,000
The Minister of Fisheries.....	15,000
The Postmaster General.....	15,000
The Minister of Agriculture.....	15,000
The Secretary of State of Canada.....	15,000
The Minister of Trade and Commerce...	15,000
The Minister of Labour.....	15,000
The Secretary of State for External Affairs.....	15,000
The Minister of National Health and Welfare.....	15,000
The Minister of Veterans Affairs.....	15,000
The Associate Minister of National Defence.....	15,000
The Minister of Industry.....	15,000
The Solicitor General of Canada.....	15,000
The Registrar General of Canada.....	15,000
The Minister of Manpower and Immigration.....	15,000
The Minister of Indian Affairs and Northern Development.....	15,000
The Minister of Forestry and Rural Development.....	15,000
The Minister of Energy, Mines and Resources.....	15,000
The President of the Treasury Board....	15,000"

TRANSITIONAL.

36. The provisions made by any *Appropriation Act* for the fiscal year ending the 31st day of March, 1967, based on Estimates 1966-67

Appropriations based on 1966-67 Estimates.

- (a) to defray the expenses of the public service of Canada within any department, branch or other part of the public service of Canada, in relation to matters to which the powers, duties or functions of the Registrar General of Canada extend under this Act, shall be applied to such classifications of the public service within the Department of the Registrar General as the Governor in Council may determine;
- (b) to defray the expenses of the public service of Canada within the Department of Forestry,

shall be applied to defray expenses of the public service within the Department of Forestry and Rural Development;

- (c) to defray the expenses of the public service of Canada within any department, branch or other part of the public service of Canada, in relation to matters to which the powers, duties or functions of the Minister of Indian Affairs and Northern Development extend under this Act, shall be applied to such classifications of the public service within the Department of Indian Affairs and Northern Development as the Governor in Council may determine;
- (d) to defray the expenses of the public service of Canada within any department, branch or other part of the public service of Canada, in relation to matters to which the powers, duties or functions of the Minister of Manpower and Immigration extend under this Act, shall be applied to such classifications of the public service within the Department of Manpower and Immigration as the Governor in Council may determine;
- (e) to defray the expenses of the public service of Canada within any department, branch or other part of the public service of Canada, in relation to matters to which the powers, duties or functions of the Secretary of State of Canada extend under this Act, shall be applied to such classifications of the public service within the Department of the Secretary of State as the Governor in Council may determine;
- (f) to defray the expenses of the public service of Canada within any department, branch or other part of the public service of Canada, in relation to matters to which the powers, duties or functions of the Solicitor General of Canada extend under this Act, shall be applied to such classifications of the public service of Canada within the Department of the Solicitor General of Canada as the Governor in Council may determine; and
- (g) to defray the expenses of the public service of Canada within the Department of Finance, in relation to the Treasury Board, shall be applied to such classifications of the public service of Canada as the Governor in Council may determine.

37. Without restricting the generality of section 4, the Acts to be administered by the Solicitor General of Canada shall include the Acts set out in Part I of Schedule A and whenever the Department of Justice, the Minister of Justice or the Deputy Minister of Justice is mentioned or referred to in any of those Acts or in any order, rule or regulation thereunder, or any contract, lease or other document made pursuant thereto, there shall in each and every such case unless the context otherwise requires be substituted the Department of the Solicitor General, the Solicitor General of Canada or the Deputy Solicitor General, as the case may be.

Acts to be administered by Solicitor General.

38. (1) Without restricting the generality of section 8, the Acts to be administered by the Registrar General of Canada shall include the Acts and portions of Acts set out in Part II of Schedule A and whenever the Department of Justice, the Minister of Justice, the Deputy Minister of Justice, the Department of the Secretary of State, the Secretary of State of Canada, the Under Secretary of State, the President of the Queen's Privy Council for Canada, the Clerk of the Privy Council, the Department of Finance, the Minister of Finance or the Deputy Minister of Finance is mentioned or referred to in any of those Acts or portions of Acts, or in any order, rule or regulation thereunder, or any contract, lease or other document made pursuant thereto, there shall in each and every such case unless the context otherwise requires be substituted the Department of the Registrar General, the Registrar General of Canada or the Deputy Registrar General of Canada, as the case may be.

Acts to be administered by Registrar General.

(2) Whenever under any order, rule or regulation, or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Minister of Justice, the Secretary of State of Canada, the President of the Queen's Privy Council for Canada, the Deputy Minister of Justice, the Under Secretary of State or the Clerk of the Privy Council, in relation to any matter not provided for under subsection (1) to which the powers, duties or functions of the Registrar General of Canada extend under this Act, the power, duty or function is vested in and shall or may be exercised by the Registrar General of Canada or the Deputy Registrar General of Canada, as the case may be, unless the Governor in Council by order designates another Minister or Deputy Minister to exercise such power, duty or function.

References elsewhere.

39. (1) Without restricting the generality of section 13, the Acts or portions of Acts to be administered by the Minister of Manpower and Immigration shall include

Acts to be administered by Minister of Manpower and Immigration.

the Acts and portions of Acts set out in Part III of Schedule A and whenever the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration, the Deputy Minister of Citizenship and Immigration, the Department of Labour, the Minister of Labour or the Deputy Minister of Labour is mentioned or referred to in any of those Acts or portions of Acts, or in any order, rule or regulation thereunder, or any contract, lease or other document made pursuant thereto, there shall in each and every such case unless the context otherwise requires be substituted the Department of Manpower and Immigration, the Minister of Manpower and Immigration or the Deputy Minister of Manpower and Immigration, as the case may be.

References
elsewhere.

(2) Whenever under any order, rule or regulation, or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Minister of Citizenship and Immigration, the Deputy Minister of Citizenship and Immigration, the Minister of Labour or the Deputy Minister of Labour, in relation to any matter not provided for under subsection (1) to which the powers, duties or functions of the Minister of Manpower and Immigration extend under this Act, the power, duty or function is vested in and shall or may be exercised by the Minister of Manpower and Immigration or the Deputy Minister of Manpower and Immigration, as the case may be, unless the Governor in Council by order designates another Minister or Deputy Minister to exercise such power, duty or function.

Acts to be
administered
by Minister
of Indian
Affairs and
Northern
Develop-
ment.

40. (1) Without restricting the generality of sections 17 and 18, the Acts or portions of Acts to be administered by the Minister of Indian Affairs and Northern Development shall include the Acts or portions of Acts set out in Part IV of Schedule A, and whenever the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration, the Deputy Minister of Citizenship and Immigration, the Department of Northern Affairs and National Resources, the Minister of Northern Affairs and National Resources, the Deputy Minister of Northern Affairs and National Resources, the Department of Mines and Technical Surveys, the Minister of Mines and Technical Surveys or the Deputy Minister of Mines and Technical Surveys is mentioned or referred to in any of those Acts or portions of Acts, or in any order, rule or regulation thereunder, or any contract, lease or other document made thereunder, there shall in each and every such case unless the context otherwise requires be substituted the Department of Indian Affairs and Northern Development, the

Minister of Indian Affairs and Northern Development or the Deputy Minister of Indian Affairs and Northern Development, as the case may be.

(2) Whenever under any order, rule or regulation, or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Minister of Northern Affairs and National Resources, the Deputy Minister of Northern Affairs and National Resources or any other officer of the Department of Northern Affairs and National Resources, the Minister of Citizenship and Immigration or the Deputy Minister of Citizenship and Immigration, in relation to any matter not provided for under subsection (1) to which the powers, duties or functions of the Minister of Indian Affairs and Northern Development extend under this Act, the power, duty or function is vested in and shall or may be exercised by the Minister of Indian Affairs and Northern Development, the Deputy Minister of Indian Affairs and Northern Development or the appropriate officer of the Department of Indian Affairs and Northern Development, as the case may be, unless the Governor in Council by order designates another Minister, Deputy Minister or other officer of a department of the public service of Canada to exercise such power, duty or function.

References
elsewhere.

41. (1) Without restricting the generality of section 29, the Acts or portions of Acts to be administered by the Minister of Energy, Mines and Resources shall include the Acts or portions of Acts set out in Part V of Schedule A, and whenever the Chairman of the Committee of the Privy Council on Scientific and Industrial Research, the Department of Mines and Technical Surveys, the Minister of Mines and Technical Surveys, the Deputy Minister of Mines and Technical Surveys, the Department of Trade and Commerce, the Minister of Trade and Commerce, the Deputy Minister of Trade and Commerce, the Department of Industry, the Minister of Industry, the Deputy Minister of Industry, the Department of Northern Affairs and National Resources, the Minister of Northern Affairs and National Resources or the Deputy Minister of Northern Affairs and National Resources is mentioned or referred to in any of those Acts or portions of Acts, or in any order, rule or regulation thereunder, or any contract, lease or other document made pursuant thereto, there shall in each and every such case unless the context otherwise requires be substituted the Department of Energy, Mines and Resources, the Minister of Energy, Mines and Resources or the Deputy Minister of Energy, Mines and Resources, as the case may be.

Acts to be
administered
by Minister
of Energy,
Mines and
Resources.

References
elsewhere.

(2) Whenever under any order, rule or regulation, or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Chairman of the Committee of the Privy Council on Scientific and Industrial Research, the Minister of Mines and Technical Surveys, the Deputy Minister of Mines and Technical Surveys, the Minister of Trade and Commerce, the Deputy Minister of Trade and Commerce, the Minister of Industry, the Deputy Minister of Industry, the Minister of Northern Affairs and National Resources, or the Deputy Minister of Northern Affairs and National Resources, in relation to any matter not provided for under subsection (1) to which the powers, duties and functions of the Minister of Energy, Mines and Resources extend under this Act, the power, duty or function is vested in and shall or may be exercised by the Minister of Energy, Mines and Resources or the Deputy Minister of Energy, Mines and Resources, as the case may be, unless the Governor in Council by order designates another Minister or Deputy Minister to exercise such power, duty or function.

Acts to be
administered
by Secretary
of State.

42. (1) Without restricting the generality of section 4 of the *Department of State Act*, the Acts to be administered by the Secretary of State of Canada shall, in addition to the Acts or portions of Acts administered by the Secretary of State of Canada immediately before the coming into force of this Act and not affected by this Act, include the Acts set out in Part VI of Schedule A, and whenever the Department of Citizenship and Immigration, the Minister of Citizenship and Immigration, the Deputy Minister of Citizenship and Immigration or the President of the Privy Council of Canada is mentioned or referred to in any of those Acts, or in any order, rule or regulation thereunder, or any contract, lease or other document made pursuant thereto, there shall in each and every such case unless the context otherwise requires be substituted the Department of the Secretary of State, the Secretary of State of Canada or the Under Secretary of State, as the case may be.

References
elsewhere.

(2) Whenever under any order, rule or regulation, or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Minister of Citizenship and Immigration, the Deputy Minister of Citizenship and Immigration, the Minister of Northern Affairs and National Resources or the Deputy Minister of Northern Affairs and National Resources, in relation to any matter not provided for under subsection (1) to which the powers, duties or functions of the Secretary of State of Canada extend under this Act, the power, duty or function is vested in and shall or may be exercised by the Secretary of

State of Canada or the Under Secretary of State, as the case may be, unless the Governor in Council by order designates another Minister or Deputy Minister to exercise such power, duty or function.

43. Whenever in any Act, order, rule or regulation, or any contract, lease or other document, the Department of Forestry, the Minister of Forestry or the Deputy Minister of Forestry is mentioned or referred to, there shall in each and every such case unless the context otherwise requires be substituted the Department of Forestry and Rural Development, the Minister of Forestry and Rural Development or the Deputy Minister of Forestry and Rural Development, as the case may be.

References
to
Department
of Forestry.

44. Where pursuant to any *Appropriation Act* passed before the coming into force of this Act any duty was imposed upon or any power was given to a member of the Queen's Privy Council for Canada in relation to a matter that by this Act is assigned to any other member of the Queen's Privy Council for Canada, that duty or power shall or may be exercised by the member of the Queen's Privy Council for Canada to whom the matter in respect of which the duty was imposed or the power was given is assigned by this Act, unless the Governor in Council by order designates another member of the Queen's Privy Council for Canada to exercise such duty or power.

Powers and
duties under
Appropriation Acts
generally.

CONSEQUENTIAL AMENDMENTS.

45. The Acts and portions of Acts set out in Schedule B are repealed or amended in the manner and to the extent indicated in that Schedule.

Amendments
and repeals.

COMMENCEMENT.

46. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Coming
into force.

SCHEDULE A.

*(Sections 37 to 42).***PART I: *Solicitor General of Canada: (Section 37)***

Parole Act (1958, c. 38)
 Penitentiary Act (1960-61, c. 53)
 Royal Canadian Mounted Police Act (1959, c. 54)
 Royal Canadian Mounted Police
 Pension Continuation Act (R.S., c. 241)
 Royal Canadian Mounted Police
 Superannuation Act (1959, c. 34)
 Prisons and Reformatories Act (R.S., c. 217)

PART II: *Registrar General of Canada: (Section 38)*

Canada Corporations Act (R.S., c. 53)
 Combines Investigation Act (R.S., c. 314)
 Trade Marks Act (1952-53, c. 49)
 Copyright Act (R.S., c. 55)
 Patent Act (R.S., c. 203)
 Timber Marking Act (R.S., c. 265)
 Industrial Design and Union Label Act (R.S., c. 150)
 Bankruptcy Act (R.S., c. 14)
 Boards of Trade Act (R.S., c. 18)
 Farmers' Creditors Arrangement Act (R.S., c. 111)
 Pension Fund Societies Act (R.S., c. 208)
 Part I of the Winding-up Act (R.S., c. 296)
 The Trading with the Enemy (Transitional Powers) Act (1947, c. 24)

PART III: *Minister of Manpower and Immigration: (Section 39)*

Immigration Act (R.S., c. 325)
 Immigration Aid Societies Act (R.S., c. 146)
 Technical and Vocational Training Assistance Act (1960-61, c. 6)
 Section 21 and Part II of the Unemployment Insurance Act (1955, c. 50)
 Vocational Rehabilitation of Disabled Persons Act (1960-61, c. 26)
 Reinstatement in Civil Employment Act (R.S., c. 236)

PART IV: *Minister of Indian Affairs and Northern Development: (Section 40)*

Indian Act (R.S., c. 149)
 Northern Canada Power Commission Act (R.S., c. 196)
 Dominion Water Power Act (R.S., c. 90)
 National Parks Act (R.S., c. 189)
 Territorial Lands Act (R.S., c. 263)
 Yukon Placer Mining Act (R.S., c. 300)
 Yukon Quartz Mining Act (R.S., c. 301)
 Land Titles Act (R.S., c. 162)
 Northwest Territories Act (R.S., c. 331)
 Yukon Act (1952-53, c. 53)
 Part III of Canada Lands Surveys Act (R.S., c. 26)
 Historic Sites and Monuments Act (1952-53, c. 39)
 Game Export Act (R.S., c. 128)
 Migratory Birds Convention Act (R.S., c. 179)

SCHEDULE A—*Concluded*PART V: *Minister of Energy, Mines and Resources: (Section 41)*

Resources and Technical Surveys Act (R.S., c. 73)
Atlantic Provinces Power Development Act (1957–58, c. 25)
Canada Water Conservation Assistance Act (1952–53, c. 21)
International River Improvements Act (1955, c. 47)
National Energy Board Act (1959, c. 46)
Northern Ontario Pipe Line Crown Corporation Act (1956, c. 10)
Canadian Coal Equality Act (R.S., c. 34)
Atomic Energy Control Act (R.S., c. 11)
Canada Lands Surveys Act (except Part III) (R.S., c. 26)
Explosives Act (R.S., c. 102)
Coal Production Assistance Act (R.S., c. 173)
Emergency Gold Mining Assistance Act (R.S., c. 95)
Dominion Coal Board Act (R.S., c. 86)

PART VI: *Secretary of State of Canada: (Section 42)*

Canadian Citizenship Act (R.S., c. 33)
Public Archives Act (R.S., c. 222)

SCHEDULE B.

(Section 45).

(Repeals and Amendments).

Act Affected	Repeal or Amendments
Canada Elections Act 1960, c. 39	Paragraph (a) of subsection (2) of section 20 is amended by deleting the reference therein to the Solicitor General.
Canada Lands Surveys Act R.S., c. 26	Sections 50 and 59 are amended by substituting the Minister of Energy, Mines and Resources for the Minister therein mentioned.
Canada Medical Act R.S., c. 27	Subsection (2) of section 8 is amended by substituting the Registrar General of Canada for the Secretary of State of Canada.
Canadian National Railways Act 1955, c. 29	Subsection (7) of section 23 is amended by substituting the Registrar General of Canada for the Secretary of State of Canada.
Department of Citizenship and Immigration Act R.S., c. 67	Repealed.
Civil Service Act 1960-61, c. 57	Paragraph (o) of subsection (1) of section 2 is amended by deleting the reference to the Solicitor General.
Combines Investigation Act R.S., c. 314	Section 13 is amended by substituting the Attorney General of Canada for the Minister therein mentioned, and subsection (2) of section 25 is amended by deleting the reference therein to the Minister.
Corporations and Labour Unions Returns Act 1962, c. 26	Section 13 is amended by substituting the Department of the Registrar General and the Registrar General of Canada, respectively, for the Department of State and the Secretary of State of Canada.
Criminal Code 1953-54, c. 51	Sections 642A, 643, 649, 656 and 666 are amended by substituting the Solicitor General of Canada for the Minister therein mentioned, and section 656 is amended by substituting the Deputy Solicitor General for the Deputy Minister of Justice.
Defence Production Act R.S., c. 62	Subsection (2) of section 7 is amended by substituting the Registrar General of Canada for the Secretary of State of Canada.
Electoral Boundaries Readjustment Act 1964-65, c. 31	Sections 15 and 26 are amended by substituting the Department of Energy, Mines and Resources for the Department of Mines and Technical Surveys.
Forestry Development and Research Act 1960, c. 41	Section 12 is repealed.
Income Tax Act R.S., c. 148	Subparagraph (iv) of paragraph (gc) of subsection (1) of section 11 is amended by substituting the Minister of Manpower and Immigration for the Minister therein mentioned.

SCHEDULE B—*Continued*(Section 45)—*Continued*

(Repeals and Amendments).

Act Affected	Repeal or Amendments
Indian Act 1951, c. 29	Paragraph (b) of subsection (3) of section 123 is amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned.
Department of Justice Act R.S., c. 71	Paragraph (e) of section 4 is repealed.
Land Titles Act R.S., c. 162	Subsection (2) of section 30 is amended by substituting the Registrar General of Canada for the Secretary of State of Canada.
Loan Companies Act R.S., c. 170	Sections 101 and 102 are amended by substituting the Registrar General of Canada for the Secretary of State.
National Parks Act R.S., c. 189	The Schedule is amended by substituting the Department of Energy, Mines and Resources for the Department of Mines and Technical Surveys wherever that latter Department is referred to therein.
Department of Northern Affairs and National Resources Act 1953-54, c. 4	Repealed.
Pension Fund Societies Act R.S., c. 208	Sections 4, 6 and 7 are amended by substituting the Registrar General of Canada for the Secretary of State of Canada.
Public Documents Act R.S., c. 223	Section 3 is amended by substituting the Registrar General of Canada for the Secretary of State.
Public Officers Act R.S., c. 225	Sections 4, 13, 14, 18, 20, 22 and 32 are amended by substituting the Registrar General of Canada for the Secretary of State and section 12 is amended by substituting the Department of the Registrar General for the Department of the Secretary of State of Canada.
Railway Act R.S., c. 234	Sections 139, 148 and 153 are amended by substituting the Registrar General of Canada for the Secretary of State of Canada, and sections 140 and 141 are amended by adding after the words "Secretary of State of Canada", where they occur, the words "or Registrar General of Canada".
Representation Commissioner Act 1963, c. 40	Section 8 is amended by substituting the Department of Energy, Mines and Resources for the Department of Mines and Technical Surveys.
St. Lawrence Seaway Authority Act R.S., c. 242	Section 24A is amended by substituting the Registrar General of Canada for the Secretary of State of Canada.
Solicitor General Act R.S., c. 253	Repealed.
Department of State Act R.S., c. 77	Sections 5 and 6 are repealed.

SCHEDULE B—*Concluded**(Section 45)—Concluded*

(Repeals and Amendments).

Act Affected	Repeal or Amendments.
Surplus Crown Assets Act R.S., c. 260	Paragraph (c) of subsection (2) of section 3 is amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned.
Territorial Sea and Fishing Zones Act 1964-65, c. 22	Section 6 is amended by substituting the Minister of Energy, Mines and Resources for the Minister therein mentioned.
Veterans' Land Act R.S., c. 280	Paragraph (b) of subsection (1) of section 38 is amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned; and subsections (1) and (2) of section 39 are amended by substituting the Minister of Indian Affairs and Northern Development for the Minister therein mentioned.

ROGER DUHAMEL, F.R.S.C.

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 26

An Act to amend the Research Council Act.

[Assented to 16th June, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., 1952,
c. 239;
1953-54,
cc. 40, 42.

1. The long title of the *Research Council Act* is repealed and the following substituted therefor:

“An Act respecting the National Research Council of Canada.”

2. Section 1 of the said Act is repealed and the following substituted therefor:

“**1.** This Act may be cited as the *National Research Council Act*.”

Short
title.

3. Paragraphs (d) to (g) of section 2 of the said Act are repealed and the following substituted therefor:

“(d) “Council” means the Council referred to in section 3; “Council.”

(e) “Minister” means such member of the Queen’s Privy Council for Canada as may be designated by the Governor in Council to act as the Minister for the purposes of this Act; and “Minister.”

(f) “President” means the President of the National Research Council of Canada.” “President.”

4. Sections 3 and 4 of the said Act are repealed and the following substituted therefor:

“**3.** There shall be a Council to be called the National Research Council of Canada.”

Council
established.

Committee
on Scientific
and Industrial
Research.

4. There shall be a committee of Ministers to be called the Committee of the Privy Council on Scientific and Industrial Research, consisting of a Chairman to be nominated by the Governor in Council, the Minister, and such number of other members of the Queen's Privy Council for Canada as the Governor in Council may determine, to be nominated by the Governor in Council."

5. Subsection (2) of section 5 of the said Act is repealed and the following substituted therefor:

Tenure of
office.

"(2) Each member of the Council, other than the President, the Vice-President (Administration) and the Vice-Presidents (Scientific) shall be appointed to hold office for a term of not more than three years."

6. Section 7 of the said Act is repealed and the following substituted therefor:

Duties of
Council.

"7. The Council has charge of all matters affecting scientific and industrial research in Canada that may be assigned to it by the Committee."

7. Subsection (2) of section 8 of the said Act is repealed.

8. Section 12 of the said Act is amended by adding thereto the following subsection:

Remuneration
of members
for additional
duties.

"(2) Notwithstanding subsection (1), a member of the Council other than the President or a Vice-President may, for any period during which he performs with the approval of the Council any duties on behalf of the Council in addition to his ordinary duties as a member thereof, be paid such remuneration as may be authorized by the Council."

1953-54,
c. 42, s. 3(2).

9. (1) Paragraph (e) of section 13 of the said Act is repealed and the following substituted therefor:

"(e) to expend, for the purposes of this Act, any money appropriated by Parliament for the work of the Council;

(ea) to acquire any money, securities, or other property by gift, bequest or otherwise, and to expend, administer or dispose of any such money, securities or other property subject to

the terms, if any, upon which such money, securities or other property is given, bequeathed or otherwise made available to the Council;"

(2) Paragraphs (f) and (g) of section 13 of the said Act are repealed and the following substituted therefor:

- "(f) with the approval of the Minister, to appoint such scientific, technical and other officers as are nominated by the President, to fix the tenure of such appointments, to prescribe the several duties of such officers, and, subject to the approval of the Governor in Council, to fix their remuneration;
- (fa) to authorize the President or any other officer of the Council to appoint persons to perform duties of a temporary nature for a period not exceeding six months;
- (fb) to establish, operate and maintain a national science library;
- (g) subject to the approval of the Minister, to publish and sell or otherwise distribute such scientific and technical information as the Council deems necessary;"

10. The said Act is further amended by adding thereto, immediately after section 13 thereof, the following section:

"**14.** The Minister may authorize the President to approve on his behalf the publication, sale or other distribution by the Council of scientific and technical information."

Delegation.

11. Section 16 of the said Act is repealed and the following substituted therefor:

"**16.** The President shall, within four months after the termination of each fiscal year, transmit to the Minister a report of the operations of the Council for that fiscal year and the Minister shall cause such report to be laid before Parliament within fifteen days after the receipt thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting."

Annual report.

12. The corporation called The Honorary Advisory Council for Scientific and Industrial Research and the National Research Council of Canada are hereby declared for all purposes to be one and the same corporation.

One and same corporation.

Substitution
of names in
Acts, orders,
etc.

13. Wherever in any Act, order, regulation, deed, contract, lease or other document, the Honorary Advisory Council for Scientific and Industrial Research is mentioned or referred to, there shall, in each and every case, be substituted the National Research Council of Canada.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 27

An Act respecting allowances to persons being trained under technical and vocational training programs.

[Assented to 16th June, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Training Allowance Act, 1966*. Short title.

INTERPRETATION.

2. In this Act,
- | | |
|--|--------------------------------------|
| (a) "Commission" means the Unemployment Insurance Commission; | Definitions.
"Commission." |
| (b) "insured person" has the same meaning as in the <i>Unemployment Insurance Act</i> ; | "Insured person." |
| (c) "Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council for the purposes of this Act; | "Minister." |
| (d) "program" means a program of technical and vocational training provided by a province; and | "Program." |
| (e) "technical and vocational training" has the same meaning as in the <i>Technical and Vocational Training Assistance Act</i> . | "Technical and vocational training." |

AGREEMENTS.

3. The Minister may, with the approval of the Governor in Council, enter into an agreement with any province providing a program of technical and vocational training.

Agreements authorized.

training for the payment to the province, subject to the terms and conditions specified in the agreement, of contributions equal to

- (a) one hundred per cent of the costs incurred by the province in providing persons being trained under the program with basic training allowances payable in each case at the rate of thirty-five dollars per week; and
- (b) such percentage as may be specified in the agreement, not exceeding ninety per cent, of the costs incurred by the province in providing persons being trained under the program with such supplementary allowances, related to the family circumstances and living costs of such persons, as may be specified in the agreement.

UNEMPLOYMENT INSURANCE BENEFITS.

Benefits not payable to persons receiving training allowances.

4. Notwithstanding anything contained in the *Unemployment Insurance Act* (hereinafter referred to as "the Act"), an insured person being trained under a program is not entitled to be paid benefit under the Act in respect of any week for which a training allowance is payable to him under that program.

Extension of qualification period.

5. (1) Where an insured person proves in such manner as the Commission may require that for any time during any period mentioned in subsection (1) or (2) of section 45 of the Act contributions were not payable in respect of him for the reason that he was being trained under a program and a training allowance was payable to him under that program, that period shall, for the purposes of sections 45, 47 and 48 of the Act, be increased by the aggregate of any such times.

Idem.

(2) Where an insured person proves in such manner as the Commission may require that for any time during any increase to a period mentioned in subsection (1) contributions were not payable in respect of him for the reason mentioned in that subsection, that period shall, for the purposes of sections 45, 47 and 48 of the Act, be further increased by the aggregate of any such times.

Benefit periods excluded.

(3) For the purposes of subsections (1) and (2), the time during which contributions were not payable does not include any time during which the insured person was in receipt of benefit or seasonal benefit under the Act.

Limitation.

(4) The aggregate of any period mentioned in subsection (1) or (2) of section 45 of the Act and the total increases made to that period under this section and subsections (3) and (4) of section 45 of the Act shall not exceed two hundred and eight weeks.

6. (1) Where a benefit period has been established in respect of an insured person under section 45 of the Act and the insured person proves in such manner as the Commission may require that for any time during that benefit period he was being trained under a program and a training allowance was payable to him under that program, the benefit period in respect of that person shall, notwithstanding subsection (1) of section 46 of that Act, be increased by the aggregate of any such times. Benefit periods increased.

(2) Where an insured person proves in such manner as the Commission may require that for any time during any increase to a benefit period mentioned in subsection (1) he was being trained under a program and a training allowance was payable to him under that program, the benefit period in respect of that person shall, notwithstanding subsection (1) of section 46 of the Act, be further increased by the aggregate of any such times. Idem.

(3) No increase shall be made pursuant to subsections (1) and (2) to a benefit period in respect of an insured person that would provide in respect of that person a benefit period greater than one hundred and fifty-six weeks. Limitation.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 28

An Act to amend the Yukon Act.

[Assented to 16th June, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1952-53, c. 53;
1955, cc. 23,
48;
1958, c. 9;
1960, c. 24.

1. Subsection (4) of section 12 of the *Yukon Act* is repealed and the following substituted therefor:

1960, c. 24,
s. 3.

“(4) The Commissioner in Council may provide for the payment out of the Yukon Consolidated Revenue Fund to members of the Committee of indemnities and travelling and living expenses as follows:

Payment of
indemnities
and expenses
to Com-
mittee
members.

- (a) each member may be paid, in equal amounts at the end of each quarter, an indemnity of three hundred dollars for each calendar year; and
- (b) in respect of any sitting of the Committee that is held at any time when the Council is not in session, the reasonable travelling and living expenses incurred by the member in going from his ordinary place of residence to the place where the sitting is held, in attending at such place for the purposes of the Committee and in returning therefrom to his ordinary place of residence, but no payment of travelling and living expenses shall be made to a member in respect of more than one return trip for each sitting of the Committee.”

2. Section 15 of the said Act is repealed and the following substituted therefor:

1955, c. 23,
s. 1.

“**15.** (1) The Commissioner in Council may provide for the payment out of the Yukon Consolidated Revenue Fund of indemnities to members of the Council and travelling and living expenses as follows:

Sessional
indemnity
and
expenses.

- (a) each member may be paid an indemnity at the rate of five thousand dollars per annum, less a deduction of one hundred and fifty dollars for each day in a session in excess of three on which the member does not attend a sitting of the Council, if the Council sits on that day; and
- (b) the reasonable travelling and living expenses incurred by the member in going from his ordinary place of residence to the place where the Council holds its session and in returning from such place to his ordinary place of residence, but no payment of travelling and living expenses shall be made to a member in respect of more than one return trip for each session of the Council.

Payment of indemnities.

When member deemed in attendance for purposes of ascertaining indemnity.

(2) An indemnity provided under paragraph (a) of subsection (1) shall be paid quarterly, in equal amounts as nearly as may be, on or before the last day of March, June, September and December in each year.

(3) For the purpose of ascertaining the indemnity to which a member is entitled under paragraph (a) of subsection (1), a member of the Council shall be deemed to have attended a sitting of the Council on each day when

- (a) there is a sitting of the Council and he is absent therefrom because of public or official business; and
- (b) he is in the place where a sitting of the Council is held but is unable to attend the sitting because of his illness.

Indemnity not taxable.

(4) The first one thousand dollars of the indemnity paid to a member of the Council under subsection (1) in any year is not income for the purposes of the *Income Tax Act*."

1958, c. 9,
s. 1(1).

3. (1) Paragraph (b) of subsection (1) of section 19 of the said Act is repealed and the following substituted therefor:

"(b) for the lending of money by the Commissioner to any person in the Territory; and"

(2) Subsection (3) of section 19 of the said Act is repealed and the following substituted therefor:

Restriction.

"(3) No money shall be borrowed, loaned or invested under the authority of this section without the approval of the Governor in Council."

4. Section 23 of the said Act is amended by adding thereto the following subsection:

“(2) The Commissioner shall establish, in the name of the government of the Yukon Territory, accounts with such banks to which the *Bank Act* applies as he designates for the deposit of public moneys and revenue.”

Establishment of bank accounts.

5. Section 26 of the said Act is repealed and the following heading and section substituted therefor:

“*Territorial Accounts.*”

26. (1) A report for each fiscal year of the Territory, called the Territorial Accounts, shall be laid before the Council by the Commissioner on or before the thirtieth day of June next following the termination of the fiscal year, or if the Council is not then in session, on the opening day of the next ensuing session and the Council shall consider the same.

Submission of Territorial Accounts to Council.

(2) The Territorial Accounts shall be in such form as the Commissioner may direct, and shall include

Contents of Territorial Accounts.

- (a) a report on the financial transactions of the fiscal year;
- (b) a statement, certified by the Auditor General, of the expenditures and revenues of the Territory for the fiscal year;
- (c) a statement, certified by the Auditor General, of assets and liabilities as at the termination of the fiscal year; and
- (d) such other information or statements as are required in support of the statements referred to in paragraphs (b) and (c), or as are required by Ordinance or by the Minister.

(3) The fiscal year of the Territory shall be the period from the first day of April in one year to the thirty-first day of March in the next year.

Fiscal year.

(4) The accounts and financial transactions of the Territory shall be examined by the Auditor General who shall report annually to the Council the result of his examination, and the report shall state whether in his opinion

Examination by Auditor General.

- (a) proper books of account have been kept by the Territory;
- (b) the financial statements of the Territory
 - (i) were prepared on a basis consistent with that of the preceding fiscal year and are in agreement with the books of account,

- (ii) in the case of the statement of expenditures and revenues, give a true and fair view of the expenditures and revenues of the Territory for the fiscal year, and
- (iii) in the case of the statement of assets and liabilities, give a true and fair view of the affairs of the Territory at the end of the fiscal year; and
- (c) the transactions of the Territory that have come under his notice have been within the powers of the Territory under this Act and any other Act applicable to the Territory;

and the Auditor General shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of the Council.

Powers of
Auditor
General.

(5) The Auditor General has, in connection with his examination of the Accounts of the Territory, all the powers that the Auditor General has under the *Financial Administration Act* in connection with the examination of the accounts of Canada."

6. Paragraph (b) of subsection (1) of section 43 of the said Act is repealed and the following substituted therefor:

"(b) every building or part thereof or other enclosure, other than those referred to in paragraph (a), that is designated as a prison, gaol or lockup for the purposes of this section by the Commissioner in Council."

7. Section 44 of the said Act is repealed and the following substituted therefor:

Regulations
respecting
R.C.M.P.
guardhouses,
etc.

"**44.** (1) The Governor in Council may make rules and regulations for the management, discipline and policy of guardhouses, guardrooms or other places of confinement referred to in paragraph (a) of subsection (1) of section 43, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such guardhouse, guardroom or other place of confinement.

Regulations
respecting
prisons and
prisoners.

(2) The Commissioner may make rules and regulations for the management, discipline and policy of prisons, gaols or lockups designated as such by the Commissioner in Council under paragraph (b) of sub-

section (1) of section 43, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such prison, gaol or lockup."

8. Section 45 of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto, immediately after paragraph (c) thereof, the following paragraph:

"(d) lands acquired by the Territory pursuant to tax sale proceedings,"

9. The heading preceding section 48 and section 48 of the said Act are repealed and the following substituted therefor:

"Mentally Disordered Persons.

48. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the admission to mental institutions, asylums or other suitable places in the province of

Arrangements
for transfer
to provincial
institutions.

(a) mentally disordered persons and for the confinement, care and maintenance of such persons until the pleasure of the Commissioner is made known or until they are discharged by law;

(b) persons in respect of whom the Court, a police magistrate of the Territory or a justice of the peace in and for the Territory has ordered that a psychiatric examination be made, for the purpose of such examination; and

(c) persons in respect of whom the Commissioner has approved psychiatric examination and treatment, for the purpose of such examination and, where necessary, such treatment,

and for the compensation to be paid to the province in respect of the confinement, care, maintenance, examination and treatment of such persons.

(2) The compensation to be paid to a province under subsection (1) shall be paid out of the Yukon Consolidated Revenue Fund."

Payment
out of
Yukon Con-
solidated
Revenue
Fund.

10. Subsections (1) and (2) of section 49 of the said Act are repealed and the following substituted therefor:

"**49.** (1) Where a mentally disordered person has escaped from a mental institution, asylum or other place

Recapture
of escaped
mentally
disordered
person.

of confinement, within or without the Territory, any person employed therein or connected therewith or other person requested by the person in immediate charge or control thereof may, within forty-eight hours after such escape, without a warrant, retake the escaped person and return him thereto, or may, at any time after such escape up to the time specified in the warrant, do so if a warrant is issued to him for that purpose.

Warrants.

(2) A warrant may be issued for the purposes of subsection (1) by the person in immediate charge or control of the mental institution, asylum or other place of confinement from which the escape was made and shall contain the name and description of the escaped mentally disordered person, the name and office, if any, of the person to whom it is issued, the place to which and the person to whom the escaped person is to be returned and the time, not exceeding three months, for which the warrant is valid."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 29

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 11th July, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 6, 1966*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole eight hundred and twenty-five million, four hundred and sixty-two thousand, two hundred and forty-one dollars and sixty-seven cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1967 as contained in the Schedule to this Act, less the amounts voted on account of the said items by the *Appropriation Act No. 3, 1966* and the *Appropriation Act No. 5, 1966*. \$825,462,241.67 granted for 1966-67.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$825,462,241.67, being the total of the amounts of the items in the said Estimates, as contained in this Schedule, less the amount voted on account of the said items of the *Appropriation Act No. 3, 1966* and the *Appropriation Act No. 5, 1966*.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION		
	GENERAL ADMINISTRATION		
1	General Administration including the promotion of a program for the employment of the older worker; the promotion of programs for combatting seasonal unemployment; the organization and use of workers for farming and related industries; and the manpower consultative service.....	3,913,500	
5	Payments to carry out the purposes of the <i>Vocational Rehabilitation of Disabled Persons Act</i> and agreements made thereunder, including undischarged commitments under previous agreements; payments to Provinces under agreements entered into with the Provinces by the Minister of Citizenship and Immigration with the approval of the Governor in Council for the organization and use of workers for farming and related industries, including undischarged commitments under previous agreements; and to authorize payments in accordance with agreements entered into with the approval of the Governor in Council by the Minister of Citizenship and Immigration with Provinces, employers and workers in respect of labour mobility and assessment incentives (formerly under Labour).....	1,625,000	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE (formerly under Labour)		
10	Administration.....	1,118,200	
15	Payments to the Provinces to carry out the purposes of the <i>Technical and Vocational Training Assistance Act</i> and agreements made thereunder and payments under agreements providing for the sharing of expenditures for research projects to provide information relating to vocational training and manpower requirements.....	186,585,000	
	NATIONAL EMPLOYMENT SERVICE (formerly under Labour)		
20	Administration of the National Employment Service.....	28,340,100	
25	Manpower Mobility Program—Grants in accordance with regulations approved by the Governor in Council, to or in respect of persons who are moved from one place in Canada to another place in Canada in connection with the Manpower Mobility Program.....	3,500,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION (Concluded)		
	IMMIGRATION		
30	Administration, Operation and Maintenance, including trans-oceanic and inland transportation and other assistance for immigrants and settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants and \$20,000 for grants to Immigrant Welfare Organizations.....	18,233,800	
	CITIZENSHIP		
35	Administration, Operation and Maintenance, including grants and contributions for language instruction and citizenship promotion, and grants to organizations as detailed in the Estimates.....	2,332,400	245,648,000
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
1	Departmental Administration including the care, maintenance and custody of standby defence plants, buildings, machine tools and production tooling and grants to municipalities in lieu of taxes on Crown-owned defence plants, operated by private contractors.....	21,330,800	
5	Payments, subject to the approval of the Treasury Board, for certain programs carried out under the <i>Defence Production Act</i> , (a) to assist defence contractors with defence plant modernization, and in connection with the establishment of production capacity and qualified sources for production of component parts and materials; and (b) for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, by Crown plants operated on a management-fee basis or by Crown companies under the direction of the Minister of Defence Production.....	4,765,000	26,095,800
	B—EMERGENCY MEASURES ORGANIZATION		
20	Administration and Operation.....	3,015,900	
25	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances not exceeding in the aggregate the amounts of the shares of the Governments of the Provinces of the costs of joint programs.....	2,199,000	
30	Grants to Provinces and Municipalities for Civil Defence and Related Purposes and authority to make recoverable advances in accordance with terms and conditions approved by the Treasury Board.....	5,400,000	10,614,900
	C—CROWN COMPANIES		
	CANADIAN ARSENALS LIMITED		
40	Administration and Operation.....	446,000	
45	Construction, Improvements and Equipment.....	357,400	803,400

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
FORESTRY			
1	Departmental Administration.....	1,121,200	
3	Construction of extension to Research Laboratory in Pointe Claire, Quebec, for use by the Pulp and Paper Research Institute of Canada.....	750,000	
10	Freight Assistance on Western Feed Grains including assistance in respect of grain storage costs in accordance with the terms and conditions prescribed by the Governor in Council.....	19,200,000	
FORESTRY			
15	Administration, Operation and Maintenance, including grants as detailed in the Estimates.....	12,620,000	
20	Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,063,300	
23	Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates.....	8,660,000	
RURAL DEVELOPMENT			
25	Agricultural Rehabilitation and Development Act Program and Maritime Marshland Rehabilitation Act Program—Administration, Operation and Maintenance.....	1,328,000	
30	Agricultural Rehabilitation and Development Act Program and Maritime Marshland Rehabilitation Act Program—Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Province of New Brunswick of the cost of the Petitcodiac River Dam Project.....	848,900	
35	Payments in respect of projects and programs under the <i>Agricultural Rehabilitation and Development Act</i> , and payments to Provinces pursuant to agreements entered into under that Act.....	22,000,000	69,591,400
GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS			
1	Office of the Secretary of the Governor General.....	387,100	
5	To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as detailed in the Estimates.....	142,500	529,600
INDUSTRY			
1	Departmental Administration, including grants as detailed in the Estimates.....	6,795,400	
5	To sustain technological capability in Canadian industry by supporting selected defence development programs, on terms and conditions approved by Treasury Board, and to authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , total commitments of \$60,000,000 for the foregoing purposes during the current and subsequent fiscal years.....	25,000,000	
10	To advance the technological capability of Canadian manufacturing industry by supporting selected civil (non-defence) development projects on terms and conditions approved by Treasury Board and to authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , total commitments of \$20,000,000 for the foregoing purposes during the current and subsequent fiscal years.....	8,770,000	40,565,400

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	THE SENATE		
	Members of the Senate—		
1	Allowance in lieu of residence to the Speaker of the Senate..	3,000	
5	General Administration.....	1,179,700	
	HOUSE OF COMMONS		
	Members of the House of Commons—		
10	Allowances in lieu of residence to the Speaker of the House of Commons, and in lieu of Apartments to the Deputy Speaker of the House of Commons; allowances to the Deputy Chairman of Committees.....	8,500	
15	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates to and from other legislatures, including the expenses of the Commonwealth Parliamentary Conference to be held in Ottawa in 1966, Canada's share of the expenses of the Commonwealth Parliamentary Association including the assessment for membership in the Association, and grants as detailed in the Estimates.....	458,725	
20	General Administration.....	5,758,900	
	LIBRARY OF PARLIAMENT		
25	General Administration.....	543,300	7,952,125
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE		
1	General Administration, Operation and Maintenance including authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year from firms and individuals requiring special services.....	49,278,000	
	TAXATION		
5	General Administration and District Offices including recoverable expenditures on behalf of the Canada Pension Plan.....	44,986,300	
	TAX APPEAL BOARD		
10	Administration Expenses.....	171,500	94,435,800
	POST OFFICE		
1	Postal Services including Canada's share of the upkeep of the International Bureaux at Berne and Montevideo.....		252,804,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PRIVY COUNCIL		
	A—PRIVY COUNCIL		
1	Maintenance and Operation of the Prime Minister's Residence..	35,000	
	PRIVY COUNCIL OFFICE		
	Ministers without Portfolio— Payment, notwithstanding anything in the <i>Financial Administration Act</i> or the <i>Senate and House of Commons Act</i> respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the <i>Senate and House of Commons Act</i> is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of \$7,500 per annum and pro rata for any period less than a year.....	7,500	
10	General Administration including expenses of a pilot program, undertaken by volunteers, to advance social and economic development in community affairs.....	2,703,000	
15	Expenses of the Royal Commissions listed in the Details of the Estimates and the expenses of the Preparatory Committee on Collective Bargaining in the Public Service.....	1,559,600	4,305,100
	B—ECONOMIC COUNCIL OF CANADA		
20	Administration.....		1,170,600
	VETERANS AFFAIRS		
1	Departmental Administration.....	6,732,100	
	WELFARE SERVICES ALLOWANCES AND OTHER BENEFITS		
5	Administration, including the expenses of the War Veterans Allowance Board, and grants as detailed in the Estimates..	4,270,500	
10	War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund Regulations.....	105,475,000	
15	Other Benefits including treatment and related allowances, burials and memorials, the training of certain pensioners under regulations approved by the Governor in Council and repayments under subsection (3) of section 12 of the <i>Veterans' Rehabilitation Act</i> in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the <i>Veterans' Land Act</i> , or where, having had financial assistance under the <i>Veterans' Land Act</i> , are deemed by the Minister on termination of their <i>Veterans' Land Act</i> contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments..	5,563,900	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	VETERANS AFFAIRS (Concluded)		
	PENSIONS		
20	Administration.....	2,787,300	
25	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the <i>Pension Act</i> ; Newfoundland Special Awards, and Gallantry Awards (World War II and Special Force).....	182,403,000	
	TREATMENT SERVICES		
30	Operation and Maintenance including authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year for hospital and related services..	48,874,000	
35	Hospital Construction, Improvements, Equipment and Acquisition of Land including a contribution to the Province of Alberta towards the cost of constructing and equipping a nursing home in accordance with the terms of an agreement between the Province and the Federal Government..	5,058,000	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
40	Administration of <i>Veterans' Land Act</i> ; Soldier Settlement and British Family Settlement; upkeep of property, <i>Veterans' Land Act</i> , including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the <i>Veterans' Land Act</i> and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein.....	4,320,900	
45	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the <i>Veterans' Land Act</i> , grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Northern Affairs and National Resources under section 38 of the <i>Veterans' Land Act</i> and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the <i>Veterans' Land Act</i>	145,000	365,629,700
	LOANS, INVESTMENTS AND ADVANCES		
	INDUSTRY		
L35	Loans, in the current and subsequent fiscal years and in accordance with terms and conditions prescribed by the Governor in Council, to assist manufacturers of automotive products in Canada affected by the Canada-United States Agreement on Automotive Products to adjust and expand their production; such loans to be made for the purpose of acquisition, construction, installation, modernization, development,		

SCHEDULE—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Concluded)		
	INDUSTRY (Concluded)		
	conversion or expansion of land, buildings, equipment, facilities or machinery and for working capital; and to authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , total commitments of \$30,000,000 for the foregoing purposes during the current and subsequent fiscal years.....	8,600,000	\$1,128,745,825*

*Net total \$825,462,241.67.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 30

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 11th July, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act No. 7, 1966*. Preamble. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, six hundred and sixty-two million, nine hundred and eighty-two thousand, seven hundred and ninety-one dollars and ninety-three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the aggregate of

- (a) four-twelfths of the total of the amounts of the Items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the

\$1,662,982-791.93
granted for
1966-67.

present session of Parliament, *except* Finance Vote 15 for which the proportion is three-twelfths and Transport Vote 103 and Loans, Investments and Advances Vote L40 for which no proportion is granted hereby \$1,252,481,-028.67;

- (b) four-twelfths of the total of the amounts of the several Items in the said Main Estimates set forth in Schedule A.....\$4,299,333.33;
- (c) three-twelfths of the total of the amounts of the several Items in the said Main Estimates set forth in Schedule B.....\$1,902,250.00;
- (d) two-twelfths of the total of the amounts of the several Items in the said Main Estimates set forth in Schedule C.....\$25,681,300.00;
- (e) one-twelfth of the total of the amounts of the several Items in the said Main Estimates set forth in Schedule D.....\$16,293,229.17;
- (f) seven-twelfths of the total of the amounts set forth in the Supplementary Estimates A for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament.....
.....\$193,924,378.08;
- (g) four-twelfths of the total of the amounts of the several Items in the said Supplementary Estimates set forth in Schedule E...\$5,709,522.67;
- (h) two-twelfths of the total of the amounts of the several Items in the said Supplementary Estimates set forth in Schedule F...\$8,459,333.34;
- (i) one-twelfth of the amount of the Item in the said Supplementary Estimates set forth in Schedule G.....\$966,666.67;
- (j) seven-twelfths of the total of the amounts set forth in the Supplementary Estimates B for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament.....
.....\$103,265,750.00;
- (k) four-twelfths of the amount of the Item in the said Supplementary Estimates set forth in Schedule H.....\$50,000,000.00.

Purpose and
effect of
each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Commit-
ments.

5. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of seven hundred and fifty million dollars, as may be required for public works and general purposes.

Power to
raise loan of
\$750,000,000
for public
works and
general
purposes.
R.S., c. 116.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

Account to
be rendered.
R.S., c. 116.

SCHEDULE A.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$4,299,333.33, being four-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	DOMINION BUREAU OF STATISTICS		
10	1966 Quinquennial Census of Canada.....	9,000,000	
	MINES AND TECHNICAL SURVEYS		
	A-DEPARTMENT		
	GEOLOGICAL RESEARCH		
40	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,198,000	
	LOANS, INVESTMENTS AND ADVANCES		
	TRANSPORT		
	General		
L75	Advances to the Nanaimo Harbour Commission on terms and conditions approved by the Governor in Council to assist in financing the construction of an extension to the boat harbour at Commercial Inlet, Nanaimo, British Columbia....	200,000	
L80	Advances to the Toronto Harbour Commissioners on terms and conditions approved by the Governor in Council to assist in financing the construction of a new general cargo marine terminal in Toronto Harbour.....	1,500,000	
			12,898,000*

* Net total \$4,299,333.33.

SCHEDULE B.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$1,902,250.00, being three-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A-DEPARTMENT		
	ADMINISTRATION SERVICES		
15	Subventions in respect to Eastern Coal under Agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	2,000,000	
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
70	Administration, Operation and Maintenance including Canada's share of the expenses of the International Executive Council, World Power Conference, authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Province of Manitoba and of the Province of Ontario of the cost of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of provincial and outside agencies of the cost of hydro-metric surveys, and \$50,000 for Grants to Universities for Hydrologic Research.....	5,609,000	7,609,000*

* Net total \$1,902,250.00.

SCHEDULE C.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$25,681,300.00, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOGRAPHICAL SURVEYS AND RESEARCH		
55	Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names, the National Advisory Committee on Geographical Research and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union, and grants as detailed in the Estimates.....	962,300	
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
75	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys.....	1,106,000	
	SECRETARY OF STATE		
	B—CENTENNIAL COMMISSION		
40	Programs and projects of national significance including grants towards such programs and projects.....	9,519,500	
	LOANS, INVESTMENTS AND ADVANCES		
	FINANCE		
L30	To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to subsection 1 of section 12 of the Canadian Corporation for the 1967 <i>World Exhibition Act</i> and to subsequently dispose thereof.....	110,000,000	
	TRANSPORT		
	St. Lawrence Seaway Authority		
L95	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve.....	32,500,000	
			154,087,800*

* Net total \$25,681,300.00.

SCHEDULE D.

Based on the Main Estimates, 1966-67. The amount hereby granted is \$16,293,229.17, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	RESEARCH		
5	Administration, Operation and Maintenance including Canada's fee for membership in the International Society for Horticultural Science, an amount of \$450,000 for grants in aid of agricultural research in universities and other scientific organizations in Canada and the costs of publishing departmental research papers as supplements to the "Canadian Entomologist".....	27,973,500	
	LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS		
55	Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the Prairie Farm Rehabilitation Act Program, Land Protection, Reclamation and Development— Administration, Operation and Maintenance including Canada's fee for membership in the International Commission on Irrigation and Drainage.....	9,508,000	
	FINANCE		
	MUNICIPAL GRANTS		
10	Grants to Municipalities in accordance with the <i>Municipal Grants Act</i> and Regulations made thereunder, and grants to municipalities in lieu of redevelopment charges in accordance with terms and conditions prescribed by the Governor in Council.....	38,300,000	
	FISHERIES		
	FISHERIES MANAGEMENT AND DEVELOPMENT		
10	Construction or Acquisition of Buildings, Works, Land and Equipment, including acquisition of land for the International Pacific Salmon Fisheries Commission, as required by Article VIII of the Convention.....	4,822,000	
	JUSTICE		
1	Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory.....	2,719,950	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING		
20	Administration, Operation and Maintenance including purchases of air photography, the expenses of the Interdepartmental Committee on Air Surveys, the expenses of the National Advisory Committee on Control Surveys and Mapping, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights, and grants as detailed in the Estimates.....	8,589,400	
	MARINE SURVEYS AND RESEARCH		
25	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	9,181,200	
	GEOLOGICAL RESEARCH		
35	Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Geological Sciences, Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and \$150,000 for grants in aid of Geological Research in Canadian Universities.....	6,927,000	
	MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH		
45	Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Mining and Mineral Processing, Canada's share of the cost of the Commonwealth Committee on Mineral Processing and \$100,000 for grants in aid of Mining and Mineral Processing Research in Canadian Universities.....	5,640,700	
	RESEARCH IN ASTRONOMY AND GEOPHYSICS		
60	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union, and grants and contributions as detailed in the Estimates.....	2,638,000	
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
80	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....	10,715,000	
	GENERAL		
85	Polar Continental Shelf Project.....	1,695,000	

SCHEDULE D—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL FILM BOARD		
1	Administration, Production and Distribution of Films and other Visual Materials.....	6,781,500	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATURAL AND HISTORIC RESOURCES		
15	Administration, Operation and Maintenance including wildlife resources conservation and development, administration of the <i>Migratory Birds Convention Act</i> and payments to land owners who maintain migratory bird habitat in accordance with agreements entered into on terms and conditions approved by the Governor in Council, payment to the National Battlefields Commission for the purposes and subject to the provisions of an <i>Act respecting the National Battlefields at Quebec</i> , grants as detailed in the Estimates and authority to make expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia	15,587,400	
	TRANSPORT		
	A—DEPARTMENT		
	MARINE SERVICES		
5	Administration, Operation and Maintenance including fees for membership in the international organizations listed in the details of the Estimates, pensions, grants and contributions as detailed in the Estimates, the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the <i>Canada Shipping Act</i> and, in respect of the Canadian Coast Guard Service, authority to make recoverable advances for transportation, stevedoring and other shipping services performed on behalf of individuals, outside agencies and other governments and authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year not to exceed a total amount of \$24,806,200.....	44,440,100	
			195,518,750*

* Net total \$16,293,229.17.

SCHEDULE E.

Based on the Supplementary Estimates (A), 1966-67. The amount hereby granted is \$5,709,522.67, being four-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING		
	Plant and Plant Products		
35a	Grants, Contributions and Subsidies as detailed in the Estimates.....	5,413,100	
	DEFENCE PRODUCTION		
	B—EMERGENCY MEASURES ORGANIZATION		
20a	Administration and Operation.....	400,000	
	FINANCE		
	ADMINISTRATION		
4a	Contributions to the Government of Manitoba for assistance in meeting costs relating to the flooding of the Red River in 1966 in accordance with cost-sharing arrangements to be determined by Canada in consultation with Manitoba.....	10,000,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOLOGICAL RESEARCH		
40a	Construction or Aquisition of Buildings, Works, Land and Equipment.....	246,000	
	TRANSPORT		
	E—NATIONAL HARBOURS BOARD		
102a	To authorize, in accordance with terms and conditions approved by the Governor in Council, special assistance to firms displaced as a result of construction of the Saskatchewan Wheat Pool elevator in Vancouver Harbour, B.C.....	188,468	
103a	To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding sections 28 and 29 of the <i>National Harbours Board Act</i> , for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account.....	881,000	
			17,128,568*

* Net total \$5,709,522.67.

SCHEDULE F.

Based on the Supplementary Estimates (A), 1966-67. The amount hereby granted is \$8,459,333.34, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE		
	GOVERNMENT ADMINISTRATION		
15a	Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the <i>Public Servants Inventions Act</i> , subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations.....	45,000,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
75a	Construction or Acquisition of Buildings, Works, Land and Equipment.....	256,000	
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
10a	Scholarships and Grants in Aid of Research.....	5,500,000	
			50,756,000*

* Net total \$8,459,333.34.

SCHEDULE G.

Based on the Supplementary Estimates (A), 1966-67. The amount hereby granted is \$966,666.67, being one-twelfth of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purpose for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	MINES AND TECHNICAL SURVEYS		
L40a	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>		11,600,000*

* Net total \$966,666.67.

SCHEDULE H.

Based on the Supplementary Estimates (B), 1966-67. The amount hereby granted is \$50,000,000.00, being four-twelfths of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purpose for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	FINANCE		
L32b	To provide in the current and subsequent fiscal years for the purchase, acquisition, holding and disposition by the Minister of Finance of securities issued by the International Bank for Reconstruction and Development, the total cost of such securities that may be held by the Minister at any one time not to exceed.....	.....	150,000,000*

* Net total \$50,000,000.00.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 31

An Act to amend the Atlantic Development Board Act.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1962-63, c. 10;
1963, c. 5.

1. Subsection (2) of section 8A of the *Atlantic Development Board Act* is repealed and the following substituted therefor: 1963, c. 5,
s. 4.

“(2) The Board may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Board.” Contracts.

2. Paragraph (d) of subsection (1) of section 9 of the said Act is repealed and the following substituted therefor: 1963, c. 5,
s. 5.

“(d) enter into agreements with the government of any province comprised in the Atlantic region or the appropriate agency thereof, subject to approval thereof by the Governor in Council, or enter into agreements with any other person, providing for

- (i) the undertaking by the Board of any programs or projects that, in the opinion of the Board, will contribute to the growth and development of the economy of the Atlantic region and for which satisfactory financing arrangements are not otherwise available,
- (ii) the joint undertaking by the Board and the province or agency thereof or person

- of programs or projects described in subparagraph (i), or
 (iii) the payment by the Board to the province or agency thereof or person of contributions in respect of the cost of programs or projects described in subparagraph (i)."

3. The said Act is further amended by adding thereto, immediately after section 9 thereof, the following section:

Provision to be included in agreements.

"9A. An agreement entered into pursuant to paragraph (d) of subsection (1) of section 9 shall, where appropriate, specify the respective proportions of the revenues from any program or project to which the agreement relates that are to be paid to the Board and the province or agency thereof or person."

1963, c. 5, s. 6.

4. (1) Section 16 of the said Act is repealed and the following substituted therefor:

Atlantic Development Fund established.

"16. (1) There shall be a special account in the Consolidated Revenue Fund to be known as the Atlantic Development Fund.

Credits and charges to Fund.

(2) There shall be credited to the Fund, in addition to the amounts credited thereto pursuant to subsection (1) of section 16A, all revenues of the Board under agreements entered into pursuant to paragraph (d) of subsection (1) of section 9 and there shall be paid out of the Consolidated Revenue Fund and charged to the Fund all expenditures under agreements entered into pursuant to paragraph (d) of subsection (1) of section 9.

Limitation.

(3) No payment shall be made out of the Consolidated Revenue Fund under this section in excess of the amount of the balance to the credit of the Fund.

Payment out of Consolidated Revenue Fund.

16A. (1) Subject to subsection (2), the Minister of Finance may, on the recommendation of the Minister, credit to the Fund out of the Consolidated Revenue Fund such amounts not exceeding in the aggregate one hundred and fifty million dollars as are from time to time required by the Board under agreements entered into pursuant to paragraph (d) of subsection (1) of section 9.

Approval of agreements.

(2) No amount may be credited by the Minister of Finance to the Fund under subsection (1) in respect of programs or projects described in an agree-

ment entered into under paragraph (d) of subsection (1) of section 9 with a province or agency thereof, unless the agreement has been approved by the Governor in Council."

(2) For the purpose of section 16A of the said Act as enacted by this section, all amounts credited or charged to the Atlantic Development Fund pursuant to section 16 of the said Act before the coming into force of this Act shall be deemed to have been credited or charged, as the case may be, to the Atlantic Development Fund pursuant to sections 16 and 16A of the said Act as enacted by this section.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 32

An Act to amend the Bankruptcy Act

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 14.

1. The *Bankruptcy Act* is amended by adding thereto, immediately after section 2 thereof, the following sections:

“2A. (1) For the purposes of this Act, a person who has entered into a transaction with another person otherwise than at arm’s length shall be deemed to have entered into a reviewable transaction. Reviewable transaction.

(2) It is a question of fact whether persons not related to one another within the meaning of section 2B were at a particular time dealing with each other at arm’s length. Question of fact.

(3) Persons related to each other within the meaning of section 2B shall be deemed not to deal with each other at arm’s length while so related. Presumption.

2B. (1) In this section, Definitions.

(a) “related group” means a group of persons each member of which is related to every other member of the group; and “Related group.”

(b) “unrelated group” means a group of persons that is not a related group. “Unrelated group.”

(2) For the purposes of this Act, persons are related to each other and are “related persons” if they are “Related persons.”

(a) individuals connected by blood relationship, marriage or adoption;

(b) a corporation and

- (i) a person who controls the corporation, if it is controlled by one person,
- (ii) a person who is a member of a related group that controls the corporation, or
- (iii) any person connected in the manner set out in paragraph (a) to a person described in subparagraph (i) or (ii); or
- (c) two corporations
 - (i) controlled by the same person or group of persons,
 - (ii) each of which is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,
 - (iii) one of which is controlled by one person and that person is related to any member of a related group that controls the other corporation,
 - (iv) one of which is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,
 - (v) one of which is controlled by a member of a related group who is related to each member of an unrelated group that controls the other corporation, or
 - (vi) one of which is controlled by an unrelated group each member of which is related to at least one member of an unrelated group that controls the other corporation.
- (3) For the purposes of this section,
 - (a) where two corporations are related to the same corporation within the meaning of subsection (2), they shall be deemed to be related to each other;
 - (b) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled;
 - (c) a person who has a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provides that the right is not exercisable until the death of an individual designated therein, be deemed to have the same position in relation to the

Relation-
ships.
Related
corporations.

Presump-
tion as to
control.

Right to
share or
to vote
shares.

control of the corporation as if he owned the shares;

- (d) where a person owns shares in two or more corporations, he shall, as shareholder of one of the corporations, be deemed to be related to himself as shareholder of each of the other corporations; Shareholder in more than two corporations.
- (e) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other; Blood relationship.
- (f) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other; and Marriage relationship.
- (g) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is connected by blood relationship (otherwise than as a brother or sister) to the other." Adoption relationship.

2. Subsection (9) of section 3 of the said Act is repealed and the following substituted therefor:

"(9) Where an estate is left without a trustee by death, removal or incapacity of the trustee or by non-renewal of the trustee's licence, or where, after an investigation pursuant to subsection (8), a hearing is to be afforded to a trustee, the Superintendent may, for the protection of the estate, Powers of Superintendent to protect estate.

(a) order that the funds to the credit of the estate and on deposit in a bank or elsewhere

(i) be remitted to the Superintendent for deposit with the Receiver General to the credit of the estate pending the appointment of a trustee or the outcome of the hearing, or

(ii) be paid out or disbursed only on and in accordance with an order of the Superintendent; and

(b) seize or cause to be seized all of the property, books, records and documents pertaining to the estate, which property, books, records or documents shall be kept by the Superintendent, or a person duly authorized by him in that behalf, pending the appointment of a trustee or the outcome of the hearing.

(9a) An order made by the Superintendent under subsection (9) shall recite the facts on which the order is made and shall be obeyed by the bank or other depository of the funds of the estate in respect of which Contents and effect of order.

the order is made and, in favour of the bank or other depository, the order is conclusive evidence of the facts therein set out.

Liability
of
depository.

(9b) Where funds are remitted to the Receiver General in compliance with an order under subsection (9), the liability of the bank or other depository in respect of the debt represented by the funds so remitted ceases and determines."

3. The said Act is further amended by adding thereto, immediately after section 3 thereof, the following sections:

Investiga-
tions or
inquiries by
Superin-
tendent.

"**3A.** (1) Where, on information supplied by an official receiver, trustee or other person, it appears to the Superintendent that there are reasonable grounds for suspecting that a person has, in connection with a bankruptcy, committed an offence under this Act or any other Act of the Parliament of Canada, whether before or after the bankruptcy, the Superintendent may, if it appears to him that the matter might not otherwise be investigated, make or cause to be made such inquiries or investigations as he deems expedient with respect to the conduct, dealings and transactions of the bankrupt concerned, the causes of his bankruptcy and the disposition of his property.

Powers.

(2) For the purposes of an investigation under subsection (1), the Superintendent or any person duly authorized by him in writing, with the approval of the court, which may be given upon an *ex parte* application, may, either alone or together with such peace officers as he calls on to assist him, enter and search, if necessary by force, any building, receptacle or place for books, records, papers or documents that may afford evidence as to an offence in connection with a bankruptcy and examine any such books, records, papers or documents.

Examina-
tion.

(3) For the purpose of an investigation under subsection (1), the Superintendent may, without an order, examine or cause to be examined under oath before the registrar of the court or other authorized person, the bankrupt, any person reasonably thought to have knowledge of the affairs of the bankrupt or any person who is or has been an agent, clerk, servant, officer, director or employee of the bankrupt with respect to the conduct, dealings and transactions of the bankrupt concerned, the causes of his bankruptcy and the disposition of his property, and may order any person liable to be so examined to produce any books, records, papers or documents in his possession or under

his control relating to the bankrupt, his conduct, dealings and transactions, the causes of his bankruptcy or the disposition of his property.

(4) A person being examined pursuant to this section is bound to answer all questions relating to the conduct, dealings and transactions of the bankrupt, the causes of his bankruptcy and the disposition of his property. Questions.

(5) Where a person being examined pursuant to this section objects to answering any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person and if, but for this section or section 5 of the *Canada Evidence Act*, he would have been excused from answering such question, the answer so given shall not be used or received in evidence against him in any proceeding, civil or criminal, thereafter taking place other than a prosecution for perjury in the giving of such evidence. Privilege of witness.

(6) No person shall hinder, molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do, or prevent or attempt to prevent any person doing any such thing, and, notwithstanding any other Act or law, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do. Compliance.

(7) Where any book, record, paper or other document is examined or produced in accordance with this section, the person by whom it is examined or to whom it is produced or the Superintendent may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Superintendent or a person thereunto authorized by him to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it were proven in the ordinary way. Copies.

3B. (1) Where after an investigation pursuant to section 3A or otherwise the Superintendent has obtained evidence of an offence having been committed in connection with a bankruptcy, the Superintendent shall report the matter to the Deputy Attorney General or other appropriate legal officer of the province concerned or to such person as is duly designated by such legal officer for that purpose. Reporting offence to provincial authority.

(2) Notwithstanding section 95, a recovery made by an estate as the result of any inquiries or Costs and expenses.

investigation made or caused to be made by the Superintendent pursuant to section 3A shall be applied to the reimbursement of any costs and expenses incurred by the Superintendent thereon, not being ordinary costs or expenses of the office of the Superintendent, and the balance thereafter remaining in respect of the recovery shall be made available to the trustee for the benefit of the creditors of the bankrupt."

4. Subsection (14) of section 9 of the said Act is repealed and the following substituted therefor:

Report to
be filed
before
discharge.

"(14) Every trustee before proceeding to his discharge shall, unless he has already done so, prepare and file the reports referred to in sections 128 and 128A and forward a copy of each to the Superintendent."

5. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

Appoint-
ment of
interim
receiver
following
proposal.

"**24A.** (1) The court may, at any time after the filing of a proposal under section 35, appoint the trustee under the proposal or another trustee, or the trustee under the proposal and another trustee jointly, as interim receiver of all or any part of the property of the debtor and direct the interim receiver so appointed to take immediate possession of such property.

Director on
appointment.

(2) Where the court appoints an interim receiver under subsection (1), it may direct the interim receiver to exercise such control over the property mentioned in the appointment or over the business of the debtor, and to take such other action, as the court deems advisable.

When
appointment
may be
made.

(3) An appointment of an interim receiver may be made under subsection (1)

- (a) when it is shown to the court to be necessary for the protection of the estate of the debtor, or
- (b) when at least five per cent of the unsecured creditors representing not less than twenty-five per cent of the unsecured creditors in value, request it."

6. Section 31 of the said Act is repealed and the following substituted therefor:

Acceptance
of proposal
by creditors.

"**31.** (1) Subject to the rights of secured creditors, the creditors may by special resolution resolve to accept the proposal as made or as altered or modified at the meeting or any adjournment thereof.

(2) Each class of creditors may but need not vote independently of the others and the vote of one class is not binding upon the others. Voting by class.

(3) A creditor who is related to the debtor may vote against but not for the acceptance of the proposal. Related creditor.

(4) The trustee, as a creditor, may not vote on the proposal." Voting by trustee.

7. The said Act is further amended by adding thereto, immediately after section 32 thereof, the following sections:

"32A. The creditors may appoint one or more, but not exceeding five, inspectors of the estate of the debtor, who shall have the powers of an inspector under this Act but subject to any extension or restriction of those powers by the terms of the proposal. Appointment of inspectors.

32B. (1) Where the creditors refuse to accept a proposal by an insolvent person a copy of which has been filed with the official receiver as required by section 35, the debtor shall be deemed to have made an assignment on the day the proposal was so filed; and the trustee shall either Result of non-approval of proposal.

(a) forthwith call a meeting of the creditors present at that time, which meeting shall be deemed to be a meeting called under section 68; or

(b) if no quorum exists for the purposes of paragraph (a), call a meeting under section 68 as soon as practicable;

and at either meeting the creditors may, by ordinary resolution, notwithstanding subsection (1) of section 6, appoint or substitute another licensed trustee for the trustee appointed under the proposal or affirm the appointment of that trustee.

(2) Where the creditors refuse to accept the proposal described in subsection (1), the trustee shall forthwith file a report thereof in the prescribed form with the official receiver and the Superintendent; and the official receiver shall thereupon issue a certificate of assignment in the prescribed form, which has the same effect for the purposes of this Act as an assignment filed pursuant to section 26." Report of non-approval.

8. Subsections (4) to (7) of section 34 of the said Act are repealed and the following substituted therefor:

"(4) No proposal shall be approved by the court that does not provide for the payment in priority to other claims of all claims directed to be so paid in the Priority of claims.

distribution of the property of a debtor, and for the payment of all proper fees and expenses of the trustee on and incidental to the proceedings arising out of the proposal or in the bankruptcy.

Payment to trustee.

(5) All moneys payable under the proposal shall be paid to the trustee and, after payment of all proper fees and expenses mentioned in subsection (4), shall be distributed by him to the creditors.

Distribution of promissory notes, stock, etc. of debtor.

(6) Where the proposal provides for the distribution of property in the nature of promissory notes or other evidence of obligations by or on behalf of the debtor or, when the debtor is a corporation, shares in the capital stock of the corporation, such property shall be dealt with in the manner prescribed in subsection (5) as nearly as may be.

Section 106 applies.

(7) Section 106 applies to all distributions made to the creditors by the trustee pursuant to subsection (5) or (6).

Power of court.

(8) Subject to subsection (4), the court may either approve or refuse to approve the proposal.

Annulment of bankruptcy.

(9) The approval by the court of a proposal made after bankruptcy operates to annul the bankruptcy and to revert in the debtor, or in such other person as the court may approve, all the right, title and interest of the trustee in the property of the debtor, unless the terms of the proposal otherwise provide.

Non-approval of proposal by insolvent person.

(10) Where the court refuses to approve a proposal by an insolvent person a copy of which has been filed under section 35, the debtor shall be deemed to have made an assignment on the day that the proposal was so filed and the trustee shall forthwith call a meeting of the creditors under section 68, at which meeting the creditors may by ordinary resolution, notwithstanding subsection (1) of section 6, appoint or substitute another licensed trustee for the trustee appointed under the proposal or affirm the appointment of that trustee.

Refusal by court.

(11) Where the court refuses to approve the proposal described in subsection (10), the trustee shall forthwith file a report thereof in the prescribed form with the official receiver and the Superintendent; and the official receiver shall thereupon issue a certificate of assignment in the prescribed form, which has the same effect for the purpose of this Act as an assignment filed pursuant to section 26.

Costs when proposal refused.

(12) No costs incurred by a debtor on or incidental to an application to approve a proposal, other than the costs incurred by the trustee, shall be allowed out of the estate of the debtor if the court refuses to approve the proposal."

9. Section 36 of the said act is repealed and the following substituted therefor:

"36. (1) Where default is made in the performance of any provision in a proposal, or where it appears to the court that the proposal cannot continue without injustice or undue delay or that the approval of the court was obtained by fraud, the court may, on application thereto, with such notice as the court may direct to the debtor, and, if applicable to the trustee, and to the creditors, annul the proposal.

Receiving
order upon
default,
etc.

(2) An order made under subsection (1) shall be made without prejudice to the validity of any sale, disposition of property or payment duly made, or anything duly done under or in pursuance of the proposal and notwithstanding the annulment of the proposal, a guarantee given pursuant to the proposal remains in full force and effect in accordance with its terms.

Validity
of things
done.

(3) A proposal, although accepted or approved, may be annulled by order of the court at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence under this Act.

Annulment
for offence.

(4) Upon the proposal being annulled, the debtor shall be deemed to have thereupon made an assignment and the order annulling the proposal shall so state.

Effect of
annulling
order.

(5) Where an order annulling a proposal has been made, the trustee shall forthwith call a meeting of the creditors under section 68, at which meeting the creditors may by ordinary resolution, notwithstanding subsection (1) of section 6, appoint or substitute another licensed trustee for the trustee appointed under the proposal or affirm the appointment of that trustee.

Meeting of
creditors
to be called.

(6) Where an order annulling the proposal described in subsection (5) has been made, the trustee shall forthwith file a report thereof in the prescribed form with the official receiver and the Superintendent; and the official receiver shall thereupon issue a certificate of assignment in the prescribed form, which has the same effect for the purposes of this Act as an assignment filed pursuant to section 26.

Consequences
of annulment.

36A. Where an insolvent person in respect of whom a copy of a proposal has been filed under section 35 makes an assignment at any time before the court has approved the proposal so filed, the date of the assignment shall be deemed to be the date on which a copy of the proposal was so filed."

Assignment
pending
approval of
proposal.

10. The said Act is further amended by adding thereto, immediately after section 39 thereof, the following section:

Salary,
wages, etc.
to
bankrupt.

“39A. (1) Notwithstanding section 39, where a bankrupt is in receipt of, or is entitled to receive, any salary, wages or other remuneration from any person employing, or using the services of, the bankrupt, hereinafter in this section referred to as the “employer”, the trustee, if directed by the inspectors or the creditors, shall apply to the court for an order directing the payment to the trustee of such part of the salary, wages or other remuneration as the court may determine having regard to the family responsibilities and personal situation of the bankrupt.

Order for
payment.

(2) An order under subsection (1) shall be directed to the bankrupt and his employer and shall be expressed to continue for such time as the court may fix or until payment of a sum specified in the order and, unless otherwise stated in the order, it ceases to have effect on the discharge of the bankrupt.

Manner of
payment.

(3) An order under subsection (1) may direct payment to the trustee in such manner as the court thinks fit and without limiting the generality of the foregoing may direct payment of

- (a) a sum certain within any specified period or periods,
- (b) a percentage of any remuneration to the bankrupt that will or may become payable while the order is in force, or
- (c) the excess over any sum certain within any specified period or periods,

and the order may, on the application of any interested party, be varied from time to time by the court having regard to any changes in the family responsibilities or personal situation of the bankrupt.

Service of
order.

(4) An order under subsection (1) shall be served on the bankrupt and is binding on him, and when the order is served on his employer it is binding on the employer named therein and any subsequent employer of the bankrupt if a copy of the order is served on such subsequent employer; but nothing in this section shall be construed to require the trustee to serve such an order on any employer of a bankrupt if it appears to the trustee inexpedient to do so.

Offence by
bankrupt.

(5) A bankrupt served with an order or a copy thereof under subsection (1) who, without reasonable justification, fails or neglects to comply with the

terms thereof is guilty of an offence and liable to the punishment prescribed by section 156.

(6) Where an order under subsection (1) that has or a copy of which has been served on an employer is not complied with in accordance with its terms, the court may, on the application of the trustee, order the employer in default to pay to the trustee the amount of money that the estate would have received had the employer complied with the terms of the order made under subsection (1). Default by employer.

(7) For the purposes of this section, the court may fix what is a fair and reasonable amount as salary, wages or other remuneration for the services being given by a bankrupt to his employer when the employer is related to the bankrupt, and may determine the part of such salary, wages or other remuneration to be paid to the trustee on the basis of the amount so fixed by the court, unless it appears to the court that the employment has been provided for the benefit of the employee and is not of any substantial benefit to the employer.” Fixing fair and reasonable remuneration in case of related persons.

11. The said Act is further amended by adding thereto, immediately after section 64 thereof, the following section:

“**64A.** Where the conveyance, transfer, charge, payment, obligation or judicial proceeding mentioned in section 64 is in favour of a person related to the insolvent person, the period limited in subsection (1) of section 64 shall be twelve months instead of three months.” Extended period.

12. The said Act is further amended by adding thereto, immediately after section 67 thereof, the following sections:

“**67A.** (1) Where a person who has sold, purchased, leased, hired, supplied or received property or services in a reviewable transaction becomes bankrupt within twelve months of the transaction, the court may, upon the application of the trustee, inquire into whether the bankrupt gave or received, as the case may be, fair market value in consideration for the property or services concerned in the transaction. Examination of consideration in a reviewable transaction.

(2) Where the court in proceedings under this section finds that the consideration given or received by the bankrupt in the reviewable transaction was conspicuously greater or less than the fair market value of the property or services concerned in the Judgment for difference.

transaction, the court may give judgment to the trustee against the other party to the transaction, or against any other person being privy to the transaction with the bankrupt, or against all such persons, for the difference between the actual consideration given or received by the bankrupt and the fair market value, as determined by the court, of the property or services concerned in the transaction.

Establishing
values.

(3) In making an application under this section the trustee shall state what in his opinion was the fair market value of the property or services concerned in the transaction and what in his opinion was the value of the actual consideration given or received by the bankrupt in the transaction, and the values on which the court makes any finding pursuant to this section shall be the values so stated by the trustee unless other values are proven.

Inquiry into
dividends
and
redemptions
of shares.

67B. (1) Where a corporation that is bankrupt has within twelve months preceding its bankruptcy paid a dividend, other than a stock dividend, or redeemed or purchased for cancellation any of the shares of the capital stock of the corporation, the court may on the application of the trustee, inquire into whether the dividend was paid or the shares redeemed or purchased for cancellation at a time when the corporation was insolvent, or whether the payment of the dividend or the redemption or purchase for cancellation of its shares rendered the corporation insolvent.

Judgment
against
directors and
shareholders.

(2) Where the court in proceedings under this section finds that the payment of the dividend, or the redemption or purchase of shares, described in subsection (1) was made at a time when the corporation was insolvent or rendered the corporation insolvent, the court may give judgment to the trustee,

- (a) against the directors of the corporation, jointly and severally, in the amount of such dividend or redemption or purchase price, with interest thereon, as has not been repaid to the corporation, and
- (b) as against a shareholder who is related to any one or more directors or to the corporation, or who is a director described in subsection (3), in the amount of such dividend or redemption or purchase price, and the interest thereon, as was received by the shareholder and not repaid to the corporation.

Directors
exonerated
by law.

(3) A judgment pursuant to paragraph (a) of subsection (2) shall not be entered against or be

binding on a director who had, in accordance with any applicable law governing the operation of the corporation, protested against the payment of the dividend or the redemption or purchase for cancellation of the shares of the capital stock of the corporation and had thereby exonerated himself under such law from any liability therefor.

(4) Nothing in this section shall be construed to affect any right, under any applicable law governing the operation of the corporation, of the directors to recover from a shareholder the whole or any part of any dividend, or any redemption or purchase price, made or paid to the shareholder when the corporation was insolvent or that rendered the corporation insolvent.

Directors' right to recover.

(5) For the purposes of an inquiry under this section, the onus of proving that the corporation was not insolvent when a dividend was paid or shares were redeemed or purchased for cancellation or that the payment of a dividend or a redemption of shares did not render the corporation insolvent lies upon the directors and the shareholders of the corporation."

Onus.

13. Section 75 of the said Act is amended by adding thereto the following subsections:

"(6) Except as otherwise provided by this Act, a creditor is not entitled to vote at any meeting of creditors

Creditor not dealing at arm's length.

(a) if the creditor did not, at all times within the twelve months preceding the bankruptcy of the debtor, deal with the debtor at arm's length; or

(b) if the creditor is not, under section 96, entitled to claim a dividend in respect of a claim arising out of any transaction with the debtor.

(7) A creditor who is not entitled to vote at a meeting of creditors by virtue of subsection (6) may with leave of the court vote at the meeting of creditors when all the creditors who have dealt with the debtor at arm's length do not together represent at least twenty per cent in value of the claims against the debtor."

Exception.

14. Section 96 of the said Act is repealed and the following substituted therefor:

"**96.** (1) A creditor who entered into a reviewable transaction with a debtor at any time prior to the bankruptcy of the debtor is not entitled to claim a

Postponement of claims from reviewable transactions.

dividend in respect of a claim arising out of that transaction until all claims of the other creditors have been satisfied unless the transaction was in the opinion of the trustee or of the court a proper transaction.

Claim of spouse.

(2) A spouse or former spouse of a bankrupt is not entitled to claim a dividend in respect of wages, salary, commission or compensation for work done or services rendered in connection with the trade or business of the bankrupt until all claims of the other creditors have been satisfied."

15. Sections 114 and 115 of the said Act are repealed and the following substituted therefor:

Summary administration.

"**114.** The following provisions apply to the summary administration of estates under this Act, namely,

- (a) all proceedings under this section shall be entitled "Summary Administration";
- (b) the security to be deposited by a trustee under section 8 shall not be required unless directed by the official receiver;
- (c) notice of the bankruptcy shall be published in the *Canada Gazette* in the prescribed form but shall not be published in a local newspaper unless deemed expedient by the trustee or ordered by the court;
- (d) all notices, statements and other documents shall be sent by ordinary mail; and
- (e) there shall be no inspectors unless the creditors decide to appoint them, and if no inspectors are appointed, the trustee, in the absence of directions from the creditors, may do all things that may ordinarily be done by the trustee with the permission of the inspectors.

Fees and disbursements of trustee.

115. The trustee shall receive such fees and disbursements as may be prescribed."

16. Section 120 of the said Act is amended by adding thereto the following subsections:

Inquiry by official receiver.

"(4) The official receiver may, and on the direction of the Superintendent shall, make or cause to be made any inquiry or investigation that may be deemed necessary in respect of the conduct of the bankrupt, the causes of his bankruptcy and the disposition of his property, and the official receiver shall report the findings on any such inquiry or investigation to the court, the trustee and the Superintendent.

(5) Where pursuant to subsection (4) an inquiry or investigation is made by the official receiver on the direction of the Superintendent, the Superintendent shall, out of the moneys appropriated by Parliament to defray the expenses of the office of the Superintendent, reimburse the official receiver for such reasonable costs and expenses incurred by him in connection with the inquiry or investigation, not being ordinary costs or expenses of his office, as are approved by the Superintendent.

Costs and expenses.

(6) Section 122 applies in respect of an inquiry or investigation under subsection (4)."

Application of section 122.

17. Subsection (3) of section 127 of the said Act is repealed and the following substituted therefor:

"(3) A bankrupt who has given a notice of waiver as provided in subsection (1) may, at any time at his own expense, apply for a discharge by obtaining from the court an appointment for a hearing, which shall be served on the trustee not less than twenty days before the date fixed for the hearing of the application; and the trustee on being served therewith shall proceed as provided in this section.

Application for discharge.

(3a) A corporation may not apply for a discharge unless it has satisfied the claims of its creditors in full."

Bankrupt corporation.

18. The said Act is further amended by adding thereto, immediately after section 128 thereof, the following section:

"**128A.** (1) The trustee shall, within two months after his appointment or within such longer period as the Superintendent may allow, prepare in the prescribed form and file with the Superintendent a report setting out the following information:

Trustee's report.

- (a) the name of the debtor and, where the debtor is a corporation, the names and addresses of the directors and officers of the corporation and, when applicable, the names of the persons who in the opinion of the trustee actively controlled the day-to-day operations of the corporation or the business of the debtor or who in the opinion of the trustee were responsible for the greater proportion of the debtor's liabilities or under whose directions in the opinion of the trustee the greater proportion of the debtor's liabilities were incurred;

- (b) whether in the opinion of the trustee the deficiency between the assets and the liabilities of the debtor has been satisfactorily accounted for or if not whether there is evidence of a substantial disappearance of property that is not accounted for;
- (c) a statement of opinion by the trustee with respect to the probable causes of the bankruptcy, arrived at after consultation with the inspectors and other persons, which shall be expressed as resulting from one or more of the following enumeration of probable causes, namely:
 - (i) misfortune,
 - (ii) inexperience,
 - (iii) incompetence,
 - (iv) carelessness,
 - (v) over-expansion,
 - (vi) unwarranted speculation,
 - (vii) gross negligence,
 - (viii) fraud, and
 - (ix) other probable cause (to be specified); and
- (d) a statement of the facts and information on which the trustee relied in arriving at the opinion expressed pursuant to paragraphs (b) and (c).

Report to
persons
concerned.

(2) A separate report containing only the information to be given to the Superintendent pursuant to paragraphs (a) and (b) of subsection (1) shall be immediately prepared in the prescribed form by the trustee and a copy thereof shall be sent, by prepaid registered mail in an envelope marked "private and confidential", to each of the persons named pursuant to paragraphs (a) and (b) of subsection (1) in the report to the Superintendent.

Report to
official
receiver.

(3) After the expiration of sixty days from the date of filing his report with the Superintendent and not later than ninety days after such date, the trustee shall file with the official receiver the report prepared pursuant to subsection (2).

Application
to court
regarding
report.

(4) Notwithstanding subsection (3), where before he has filed his report with the official receiver pursuant to that subsection, the trustee is served with a copy of an application to the court, by any of the persons named pursuant to paragraphs (a) and (b) of subsection (1) in the report prepared pursuant to subsection (2), to have that report altered in any manner or to dispense with the requirements of subsection (3),

the trustee shall not file the report under subsection (3) except as may be directed by the court.

(5) When the report to be filed under subsection (3) has been altered in any respect on the direction of the court, the trustee shall inform the Superintendent of any alteration so made, and the Superintendent shall alter the report made to him by the trustee accordingly.

Altering
report to
Super-
intendent.

(6) The trustee is not liable for any statements made or opinions expressed by him in good faith and made or purporting to be made by him pursuant to this section, nor is any person liable for publishing, or referring to any matters contained in, the report of the trustee to the official receiver if the publication or reference is made after the filing of the report with the official receiver."

Exoneration
from
liability.

19. (1) Paragraphs (f) and (g) of section 160 of the said Act are repealed and the following substituted therefor:

"(f) directly or indirectly solicits or canvasses any person to make an assignment or a proposal under this Act, or to petition for a receiving order;

Soliciting
assignments
or petitions.

(g) being a trustee, directly or indirectly, solicits proxies to vote at a meeting of creditors; or

Soliciting
proxies.

(h) being a trustee, makes any arrangement under any circumstances with the bankrupt, or any solicitor, auctioneer or other person employed in connection with a bankruptcy, for any gift, remuneration, or pecuniary or other consideration or benefit whatever beyond the remuneration payable out of the estate, or accepts any such consideration or benefit from any such person, or makes any arrangement for giving up, or gives up, any part of his remuneration, either as a receiver or trustee, to the bankrupt or any solicitor, auctioneer or other person employed in connection with the bankruptcy;"

Improper
gain.

(2) Section 160 of the said Act is further amended by adding thereto the following subsections:

"(2) A person who fails to comply with or contravenes any provision of section 3A is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to a term of im-

Offence and
penalty.

prisonment not exceeding one year or to both such fine and imprisonment.

Exception.

(3) Nothing in paragraph (h) of subsection (1) shall be construed to apply to a sharing of trustee's fees among persons who together act as the trustee of the estate of a bankrupt or as joint trustee to a proposal."

20. The said Act is further amended by adding thereto, immediately after section 163 thereof, the following section:

Report of
offence.

"**163A.** (1) Where the official receiver or the trustee has reason to believe that an offence under this Act or the *Criminal Code* relating to the property of the bankrupt was committed either before or after the bankruptcy by the bankrupt or any other person, the official receiver or trustee shall make a report thereon to the Deputy Attorney General or other appropriate legal officer of the province concerned or to such person as is duly designated by such legal officer for that purpose.

Copy to
Super-
intendent.

(2) A copy of a report made under subsection (1) shall be sent by the official receiver or trustee to the Superintendent."

21. The said Act is further amended by adding thereto, immediately after section 169 thereof, the following section:

*Winding-up
Act* not to
apply.

"**169A.** (1) Where a petition for a receiving order or an assignment has been filed under this Act in respect of a corporation, the *Winding-up Act* does not extend or apply to that corporation notwithstanding anything contained in that Act, and any proceedings that are instituted under the *Winding-up Act* in respect of that corporation before the petition or assignment is filed under this Act shall abate subject to such disposition of the costs of those proceedings to be made in the bankruptcy proceedings as the justice of the case may require.

Saving.

(2) All proceedings instituted under the *Winding-up Act* before subsection (1) comes into force may be continued under that Act as if that subsection had not been enacted."

22. The said Act is further amended by adding thereto, immediately after section 172 thereof, the following Part:

“PART X.

ORDERLY PAYMENT OF DEBTS.

173. In this Part,

Definitions.

(a) "clerk" means a clerk of the court;

"Clerk."

(b) "court" means

"Court."

(i) in the Province of Alberta, the district court.

(ii) in the Province of Manitoba, the county court, and

(iii) in any other province, such court as is designated from time to time by the regulations for the purposes of this Part;

(c) "debtor" means an insolvent debtor, but does "Debtor." not include a corporation; and

(d) "registered creditor" means a creditor who is named in a consolidation order.

174. (1) This Part applies only to the following Application.
classes of debts:

(a) a judgment for the payment of money where the amount of the judgment does not exceed one thousand dollars;

(b) a judgment for the payment of money where the amount of the judgment is in excess of one thousand dollars if the judgment creditor consents to come under this Part;

(c) a claim or demand for or in respect of money, debt, account, covenant or otherwise, not in excess of one thousand dollars; and

(d) a claim or demand for or in respect of money, debt, account, covenant or otherwise, in excess of one thousand dollars if the creditor having such claim or demand consents to come under this Part.

(2) Notwithstanding subsection (1), this ^{Exception.} Part does not apply to the following classes of debts:

(a) a debt due, owing or payable

(i) to Her Majesty in right of Canada or a province,

(ii) to a municipality in Canada, or

(iii) to a school district in Canada:

(b) a debt relating to the public revenue or one that may be levied and collected in the form of taxes;

(c) a covenant in a mortgage or charge on land or in an agreement for sale of land; or

(d) a debt incurred by a trader or merchant in the ordinary course of his business.

Idem.

(3) Notwithstanding subsection (1), this Part does not apply to any of the following classes of debts, unless the creditor consents to come under this Part:

(a) in the Province of Alberta

(i) a claim for wages that may be heard before, or a judgment therefor by, a magistrate under *The Masters and Servants Act*,

(ii) a claim for a lien or a judgment thereon under *The Mechanics' Lien Act* or *The Mechanics Lien Act, 1960*, or

(iii) a claim for a lien under *The Garagemen's Lien Act*;

(b) in the Province of Manitoba

(i) a claim for wages that may be heard before, or a judgment therefor by, a magistrate under *The Wages Recovery Act*, or

(ii) a claim for a mechanic's lien or a judgment thereon under *The Mechanics' Liens Act*,

or

(c) in any other province, any debt of a class designated by the regulations to be a class of debts to which this Part does not apply.

Application
for
consolidation
order.

175. (1) A debtor who resides in a province in which this Part is in force may apply to the clerk of the court having jurisdiction where he resides for a consolidation order.

Affidavit
to be
filed.

(2) Upon an application pursuant to subsection (1), the debtor shall file an affidavit setting forth the following:

(a) the names and addresses of his creditors and the amount he owes to each creditor and, if any of them are related to him, the relationship;

(b) a statement of the property he owns or in which he has any interest and of the value thereof;

(c) the amount of his income from all sources, naming them, and where he is married the amount of the income of his wife from all sources, naming them;

(d) his business or occupation and that of his wife, if any, and the name and address of his employer and of his wife's employer, if any;

- (e) the number of persons dependent upon him, the name and relationship of each and particulars of the extent to which each is so dependent;
- (f) the amount payable for board and lodging or for rent or as payment on home property, as the case may be; and
- (g) whether any of his creditors' claims are secured and, if so, the nature and particulars of the security held by each such creditor.

176. (1) The clerk shallDuties
of clerk.

- (a) file the affidavit referred to in subsection (2) of section 175, giving it a number, and enter the particulars it contains in a register;
- (b) upon reading the affidavit and hearing the debtor, settle the amounts to be paid by the debtor into court and the times of payment thereof until all of the claims entered in the register are paid in full, and enter in the register particulars of the amounts and times of payment so settled or, where applicable, enter in the register a statement that the present circumstances of the debtor do not warrant the immediate settling of any such amounts or times; and
- (c) fix a date for hearing any objections by creditors.

(2) The clerk shall give notice of an application for a consolidation order to each creditor named in the affidavit filed in connection with the application, setting forth in the notice

Notice to
be given.

- (a) the particulars of all entries made in the register with respect to the application; and
 - (b) the date fixed for hearing objections by the creditors to the application or to any of the entries made in the register in respect thereof;
- and the notice shall contain a statement that the creditor will, prior to the date fixed for hearing objections, be notified of any objections filed with the clerk pursuant to section 177 in connection with the application.

(3) The notice referred to in subsection (2) shall be served by registered mail and the clerk shall enter in the register the date the notice was mailed.

Idem.

(4) The register referred to in this section shall be separate from all other books and records kept by the clerk and shall be available to the public for inspection, free of charge, during the hours when the office of the clerk is open to the public.

Register.

Objection
by creditor.

177. (1) A creditor may, within a period of twenty days after the date of mailing of the notice of an application for a consolidation order pursuant to section 176, file with the clerk an objection with respect to any of the following matters:

- (a) the amount entered in the register as the amount owing to him or to any other creditor;
- (b) the amounts settled by the clerk as the amounts to be paid by the debtor into court, or the fact that no such amounts have been settled; or
- (c) the times of payment of any such amounts, where applicable.

Idem.

(2) The clerk shall enter in the register a memorandum of the date of receipt of any objection filed with him.

Notice of
objection.

(3) Where an objection has been filed by a creditor, the clerk shall forthwith, by registered mail, give notice of the objection and of the time and place appointed for the hearing thereof to the debtor and to each creditor named in the affidavit filed in connection with the application specifying, where applicable, the creditor whose claim has been objected to under subsection (1).

Adding
additional
creditors.

178. At the time appointed for the hearing of any objection in connection with a consolidation order, the clerk may add to the register the name of any creditor of the debtor of whom he has notice and who is not disclosed in the affidavit of the debtor.

Hearing of
objections.

179. (1) The clerk shall, at the time appointed for the hearing thereof, consider any objection in connection with a consolidation order that has been filed with him in accordance with this Part, and

- (a) if the objection is to the claim of a creditor and the parties are brought to agreement or if the creditor's claim is a judgment of a court and the only objection is to the amount paid thereon, he may dispose of the objection in a summary manner and determine the amount owing to the creditor;
- (b) if the objection is to the proposed terms or method of payment of the claims by the debtor or that terms of payment are not but should be fixed, he may dispose of the objection in a summary manner and determine, as the circumstances require, the terms and method of payment of the claims, or that no terms be presently fixed; and

- (c) in any case he may on notice of motion refer any objection to be disposed of by the court or as the court otherwise directs.

(2) After the conclusion of the hearing referred to in subsection (1), the clerk shall enter in the register his decision or the decision of the court, as the case may be, and issue a consolidation order.

Issue of order.

180. Where no objection has been received within twenty days after the date of mailing of the notice of an application for a consolidation order pursuant to section 176, the clerk shall

Issue of consolidation order.

- (a) make an entry in the register to that effect, and
(b) issue the consolidation order.

181. (1) A consolidation order shall state the following:

Contents of consolidation order.

- (a) the name of and the amount owing to each creditor named in the register; and
(b) the amounts to be paid into court by the debtor and the times of payment thereof or, where applicable, that the present circumstances of the debtor do not warrant the immediate settling of any such amounts or times.

(2) A consolidation order

Effect of order.

- (a) is a judgment of the court in favour of each creditor named in the register for the amount stated therein to be owing to such creditor; and
(b) is an order of the court for the payment by the debtor of the amounts stated therein and at the stated times.

182. (1) A consolidation order that does not provide for the payment in full of all the debts to which it refers within a period of three years shall not be issued unless

Consolidation order not to be issued.

- (a) all registered creditors consent thereto in writing, or
(b) the order is approved by the court.

(2) Any consolidation order referred to in subsection (1) shall be referred to the court for approval or otherwise by the clerk upon notice of motion to any registered creditor who has not consented thereto in writing.

Referral to court.

183. (1) The court may, on application to review a consolidation order of the clerk made by notice of motion within fourteen days of the making of the order by any of the parties affected thereby, review the

Review of consolidation order.

consolidation order and confirm or vary it or set it aside and make such disposition of the matter as the court sees fit.

Decision to be entered.

(2) The clerk shall enter any decision made by the court under subsection (1) in the register and the decision takes effect in place of the order of the clerk.

Terms may be imposed on debtor.

184. The court may, in deciding any matter brought before it, impose such terms on a debtor with respect to the custody of his property or any disposition thereof or of the proceeds thereof as it deems proper to protect the registered creditors and may give such directions for that purpose as the circumstances require.

Process stayed by consolidation order.

185. Upon the making of a consolidation order, no process shall be issued out of any court in the province in which the debtor resides against the debtor at the instance of a creditor in respect of any debt to which this Part applies, except as permitted by this Part.

Assignments of debtor's property to clerk.

186. (1) The clerk may, at any time after the making of a consolidation order, require of and take from the debtor an assignment to himself as clerk of the court of any moneys due, owing or payable or to become due, owing or payable to the debtor, or earned or to be earned by the debtor.

Notification.

(2) Unless otherwise agreed upon, the clerk shall forthwith notify the person owing or about to owe the moneys of the assignment referred to in subsection (1) and all moneys collected thereon shall be applied to the credit of the claims against the debtor under the consolidation order.

Writ of execution.

(3) The clerk may issue a writ of execution or certificate of judgment in respect of a consolidation order and cause it to be filed in any place where such writ or certificate may bind or be a charge upon land or chattels.

Adding creditors after order.

187. (1) Where at any time before the payment in full of the claims against a debtor under a consolidation order, the clerk is notified of a claim to which this Part applies that is not entered in the order, he shall, subject to subsection (2) and upon notice to the debtor and the creditor and to each registered creditor,

(a) settle the amount owing to the creditor;

- (b) where he deems it necessary to do so, vary the amounts to be paid by the debtor into court and the times of payment thereof in order to provide for the new claim; and
- (c) enter the matters referred to in paragraphs (a) and (b) in the register.

(2) Where the debtor or any registered creditor disputes the claim of a creditor described in subsection (1), the clerk shall on notice of motion refer the matter to the court and the decision of the court shall be entered in the register. Court to decide.

(3) The clerk shall make such amendments to the consolidation order as may be necessary to give effect to any entries in the register made pursuant to this section, and shall give notice thereof to the registered creditors. Notice.

(4) Upon the entry of a claim in the register pursuant to this section, the creditor shall share with the other creditors in any further distribution of moneys paid into court by or on behalf of the debtor. Creditor to share.

188. (1) A registered creditor holding security for a claim may, at any time, elect to rely upon his security notwithstanding that the claim is included in a consolidation order. Secured claims.

(2) Where the proceeds from the disposal of the security referred to in subsection (1) are in excess of the registered creditor's claim, the excess shall be paid into court and applied in payment of other judgments against the debtor. Proceeds in excess.

(3) Subsection (2) does not apply where the security is in the form of chattels exempt from seizure under any law in force in the province in which the consolidation order was issued. Exemption.

(4) Where the proceeds from the disposal of the security referred to in subsection (1) are less than the registered creditor's claim, the creditor remains entitled to the balance of his claim. Reduced claim.

(5) Subsection (4) does not apply in a case where, under the law in force in the province in which the consolidation order was issued, a creditor Exception.

- (a) who enforces his security by repossession or repossession and sale, or

- (b) who seizes and sells such security under an execution issued pursuant to a judgment obtained against the debtor in respect of the claim so secured,

is limited in his recovery of such claim to the security so repossessed or the proceeds of the sale thereof.

Enforcement
of order in
default of
debtor.

189. (1) A registered creditor may apply by notice of motion to the court where

- (a) a debtor defaults in complying with any order or direction of the court;
- (b) any other proceeding for the recovery of money is brought against the debtor;
- (c) the debtor has, after the consolidation order was made, incurred further debts totalling in excess of five hundred dollars;
- (d) a judgment is recovered against the debtor larger in amount than a judgment to which this Part applies without the judgment creditor's consent, and the judgment creditor refuses to permit his name to be added to the register; or
- (e) the debtor has property or funds that should be made available for the satisfaction of the consolidation order.

Ex parte
application.

(2) A registered creditor may apply *ex parte* to the court where a debtor

- (a) is about to abscond or has absconded from the province in which the consolidation order was issued leaving personal property liable to seizure under execution; or
- (b) with intent to defraud his creditors has attempted or is attempting to remove from the province in which the consolidation order was issued personal property liable to seizure under execution.

Proceedings
authorized.

(3) Upon the application referred to in subsection (1) or (2), the court may

- (a) authorize the registered creditor making the application to take on behalf of all the registered creditors such proceedings to enforce the consolidation order as the court deems advisable; or
- (b) where it deems it advisable and on notice to all parties, make an order permitting all the registered creditors to proceed each independently of the others for the enforcement of their claims under the consolidation order.

Moneys
applied to
judgment.

(4) All moneys recovered as a result of proceedings taken pursuant to paragraph (a) of subsection (3) after payment of costs incurred thereby shall be paid into the court and shall be applied to the credit of the judgments against the debtor appearing in the register.

Proceedings
where
continuing
default.

(5) Where a debtor defaults in making any payment into court required to be made by him under a consolidation order and the default continues for

a period of ninety days, all the registered creditors are entitled to proceed forthwith, each independently of the others and without reference to the court, for the enforcement of their claims under the consolidation order, unless the court otherwise directs on being satisfied, upon application by the debtor, that the circumstances giving rise to the default and to its continuation were beyond the control of the debtor.

(6) Where any order has been made under paragraph (b) of subsection (3) or any proceedings have been commenced under subsection (5), the debtor under the consolidation order is not, without the leave of the court, entitled to any further relief under this Part during the currency of any claim against him entered in the register.

Debtor not entitled to relief.

190. (1) A debtor or any registered creditor may at any time apply *ex parte* to the clerk for a further examination and hearing of the debtor in respect of his financial circumstances.

Re-examination of debtor.

(2) The further hearing referred to in subsection (1) may only be held

Idem.

(a) with the leave of the clerk; or

(b) in the event of the refusal of the clerk, with leave of the court.

(3) The clerk shall give all parties to the consolidation order at least twenty days' notice of the time appointed for the hearing referred to in subsection (1).

Notice of hearing.

(4) Where after considering the evidence presented at the further hearing referred to in subsection (1) the clerk is of the opinion that

Clerk may vary order, etc.

(a) the terms of payment set out in the consolidation order, or

(b) the decision that the circumstances of the debtor do not warrant the immediate settling of any amounts or times of payment thereof, should be changed because of a change in the circumstances of the debtor, he may

(c) vary the order as to the amounts to be paid by the debtor into court or the times of payment thereof, or

(d) on notice of motion refer the matter to the court for settlement.

(5) Section 183 applies *mutatis mutandis* to a decision of the clerk under subsection (4).

Application of section 183.

191. (1) Subject to subsection (3) the clerk shall distribute the moneys paid into court on account of the debts of the debtor at least once every three months.

Disposition of moneys paid into court.

Idem.

(2) The clerk shall distribute the money *pro rata*, or as nearly so as is practicable, among the registered creditors.

Payments
less than
five
dollars.

(3) Except in the case of a final payment under a consolidation order, the clerk is not required to make a payment to any creditor if the amount thereof is less than five dollars.

Oaths.

192. (1) The clerk may for the purposes of this Part examine any person under oath and may administer oaths.

Record.

(2) The clerk shall make a written record in summary form of all evidence given at a hearing.

Where
assignment
or receiving
order made.

193. (1) Where a debtor, in respect of whom a consolidation order has been issued under this Part, makes an assignment pursuant to section 26 or where a receiving order is made against him under section 21 or where a proposal by such debtor is approved by the court having jurisdiction in bankruptcy under section 34, any moneys that have been paid into court pursuant to such consolidation order and that have not yet been distributed to the registered creditors shall thereupon be distributed among such creditors by the clerk in the proportions to which they are entitled under the consolidation order.

Proceedings
may be taken
under other
Parts.

(2) The fact that proceedings have been taken under this Part does not prevent the taking of proceedings by or against the debtor under the provisions of any other Part of this Act.

Idem.

(3) None of the provisions of Parts I to IX of this Act applies to proceedings under this Part.

Appeal.

194. A decision or order of the court under this Part is subject to appeal in the same manner as if it were a judgment of the court in a civil action.

Clerk to
report.

195. (1) Upon the issue of any consolidation order, the clerk shall forward a copy thereof to the Superintendent.

Idem.

(2) The clerk shall report to the Superintendent upon the conclusion of each proceedings taken under this Part, within thirty days of such conclusion, in a form prescribed by the regulations or, if no form is so prescribed, in a form prescribed by the Superintendent.

Regulations.

196. The Governor in Council may make regulations

- (a) prescribing the forms to be used under this Part;
- (b) prescribing costs and fees to be paid under this Part;
- (c) designating the "court" for the purpose of this Part in any province except Alberta and Manitoba;
- (d) adapting this Part to the court organization or other circumstances of a particular province;
- (e) varying, in respect of any province, the classes of debts and amounts thereof to which this Part applies;
- (f) changing or prescribing, in respect of any province, the classes of debts to which this Part does not apply; and
- (g) generally, for carrying into effect the purposes and provisions of this Part.

197. The accounts of every clerk that relate to proceedings under this Part are subject to audit in the same manner as if the accounts were the accounts of a provincial officer.

Audit of proceedings.

198. This Part shall come into force in any province only upon the issue, at the request of the Lieutenant Governor in Council of that province, of a proclamation by the Governor in Council declaring it to be in force in that province."

Coming into force.

23. (1) Sections 1, 11, 12, 13, 14, 15 and 18 apply only in the case of an assignment, proposal by an insolvent person or receiving order filed or made on or after the day this Act comes into force.

Proceedings continued.

(2) Subject to subsection (1) this Act applies in the case of any assignment, proposal or receiving order filed or made before or after this Act comes into force, but not so as to affect any order, rule, proceeding, action, matter or thing had, done, made, completed or entered into under the *Bankruptcy Act* in respect of any such assignment, proposal or order filed or made before this Act comes into force.

Application generally.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 33

An Act to amend the Canada Student Loans Act.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1964-65,
c. 24.

1. (1) Section 6 of the *Canada Student Loans Act* is repealed and the following substituted therefor:

"6. (1) The Minister shall pay to a bank, in respect of each guaranteed student loan that a borrower is obligated to repay to that bank, interest thereon at the rate prescribed for the purposes of this section in respect of any period or periods described in section 4 in respect of which no interest is payable by the borrower on the loan.

Interest
payable by
Minister.

(2) No interest is payable by the Minister to a bank pursuant to subsection (1) in respect of a guaranteed student loan, in respect of any period before the obligation of the borrower to that bank in respect of the loan has commenced or after such obligation has ceased."

Idem.

(2) This section shall be deemed to have come into force on the 28th day of July, 1964.

2. (1) Section 11 of the said Act is repealed and the following substituted therefor:

"11. (1) The appropriate authority for a province shall not issue or cause to be issued any certificate of eligibility in a loan year if, as a result thereof, the aggregate of the amounts set out in the certificates of eligibility issued or caused to be issued by such authority in that loan year would exceed the aggregate of

Limitation
on aggregate
amount.

Calculation of provincial allocation.

Loan provision for year commencing in 1965.
Loan provision for subsequent years.

Calculation of supplementary allocation.

- (a) the provincial allocation for that province for that loan year; and
- (b) the supplementary allocation, if any, for that province for that loan year, determined by the Minister pursuant to subsection (5).

(2) The provincial allocation for a province for a loan year is an amount, as determined by the Minister after consultation with the Dominion Statistician, equal to that part of the basic loan provision for that loan year that bears the same relationship to the basic loan provision for that loan year that

- (a) the estimated number of persons in that province that, on the first day of that loan year, have attained eighteen years of age and have not attained twenty-five years of age,

bears to

- (b) the estimated number of persons in Canada on the first day of the loan year, of the same age group.

(3) The basic loan provision for the loan year commencing in 1965 is fifty-eight million dollars.

(4) The basic loan provision for any loan year commencing after 1965 is an amount, as determined by the Minister after consultation with the Dominion Statistician, equal to that part of fifty-eight million dollars that bears the same relationship to fifty-eight million dollars that

- (a) the estimated number of persons in Canada that, on the first day of the loan year, have attained eighteen years of age and have not attained twenty-five years of age,

bears to

- (b) the estimated number of persons in Canada on the 1st day of July, 1965, of the same age group.

(5) The Minister may, upon application therefor by the government of a province, determine a supplementary allocation for that province for any loan year in an amount not exceeding

- (a) twenty per cent of the basic loan provision for that loan year, as determined pursuant to subsection (4)

minus

- (b) the aggregate of each other supplementary allocation for a province for that loan year, determined by the Minister pursuant to this subsection."

(2) This section is applicable in respect of any loan year commencing after 1964.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 34

An Act to provide for the establishment
of a Dairy Commission for Canada.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

SHORT TITLE.

1. This Act may be cited as the *Canadian Dairy Commission Act*. Short
title.

INTERPRETATION.

2. In this Act,
- | | Definitions. |
|---|-------------------------|
| (a) "Commission" means the Canadian Dairy Commission established by this Act; | "Commis-
sion." |
| (b) "dairy product" means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice-cream, malted milk, sherbet, or any other product manufactured wholly or mainly from milk; | "Dairy
product." |
| (c) "market" means to market in interprovincial or export trade; | "Market." |
| (d) "milk" means milk from cows and "cream" means cream derived from such milk; | "Milk";
"cream". |
| (e) "Minister" means the Minister of Agriculture; | "Minister." |
| (f) "place" includes any vehicle, vessel, railway car or aircraft; and | "Place." |
| (g) "regulated product" means a dairy product the marketing of which is regulated or prohibited by regulations made under this Act. | "Regulated
product." |

CANADIAN DAIRY COMMISSION.

Commission established. **3.** (1) There shall be a corporation to be known as the Canadian Dairy Commission consisting of three members appointed by the Governor in Council to hold office during pleasure.

Chairman and Vice-Chairman. (2) The Governor in Council shall designate one of the members to be Chairman of the Commission and one of the members to be Vice-Chairman of the Commission.

Chief executive officer. (3) The Chairman is the chief executive officer of the Commission.

Remuneration and expenses of Commission members. (4) Each member of the Commission may be paid such salary or other remuneration as is fixed by the Governor in Council, and may be paid such travelling and living expenses incurred by him in connection with the performance of his duties as are fixed by the Governor in Council.

Retirement age. (5) A member ceases to hold office upon reaching the age of seventy years.

Temporary substitute member. (6) If any member of the Commission is absent or unable to act, the Governor in Council may appoint a temporary substitute member for such term and upon such conditions as the Governor in Council prescribes.

Head office. (7) The head office of the Commission shall be in the City of Ottawa, but meetings of the Commission may be held at such other places as the Commission may decide.

Agent of Her Majesty. **4.** (1) The Commission is for all purposes of this Act an agent of Her Majesty, and its powers under this Act may be exercised by it only as such agent.

Contracts. (2) The Commission may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Commission.

Property. (3) Property acquired by the Commission is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Commission.

Actions. (4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of Her Majesty.

CONSULTATIVE COMMITTEE.

Consultative Committee. **5.** (1) The Minister shall appoint a Consultative Committee consisting of a chairman and eight other members.

(2) Each of the members of the Consultative Committee shall be appointed for a term not exceeding three years, except that of those members first appointed three shall be appointed for a term of two years, three shall be appointed for a term of three years and three shall be appointed for a term of four years.

Tenure of members.

6. (1) The Consultative Committee shall meet at such times as are fixed by the Commission and shall advise the Commission on such matters relating to the production and marketing of dairy products as are referred to it by the Commission.

Functions of Consultative Committee.

(2) The members of the Consultative Committee may be paid for their services such remuneration and expenses as are fixed by the Governor in Council.

Remuneration and expenses.

STAFF.

7. (1) The Commission may

Officers and employees.

(a) appoint such officers and employees as are necessary for the proper conduct of the work of the Commission; and

(b) prescribe the duties of such officers and employees and, subject to the approval of the Treasury Board, prescribe the conditions of their employment.

(2) The officers and employees of the Commission appointed as provided in subsection (1) shall be paid such salaries and expenses as are fixed by the Commission with the approval of the Treasury Board.

Salaries and expenses of staff.

OBJECTS OF THE COMMISSION.

8. The objects of the Commission are to provide efficient producers of milk and cream with the opportunity of obtaining a fair return for their labour and investment and to provide consumers of dairy products with a continuous and adequate supply of dairy products of high quality.

Objects of Commission.

POWERS OF COMMISSION.

9. (1) Subject to and in accordance with any regulations made under this Act, the Commission may

Powers.

(a) purchase any dairy product and package, process, store, ship, insure, import, export, or sell or otherwise dispose of any dairy product purchased by it;

- (b) make payments for the benefit of producers of milk and cream for the purpose of stabilizing the price of those products, which payments may be made on the basis of volume, quality or on such other basis as the Commission deems appropriate;
- (c) make investigations into any matter relating to the production, processing or marketing of any dairy product, including the cost of producing, processing or marketing that product;
- (d) undertake and assist in the promotion of the use of dairy products, the improvement of the quality and variety thereof and the publication of information in relation thereto; and
- (e) do all such acts and things as are necessary or incidental to the exercise of any of its powers or the carrying out of any of its functions under this Act.

Inquiries.

(2) For the purpose of carrying out any investigation under paragraph (c) of subsection (1), the Commission has all the powers of a commissioner appointed under Part I of the *Inquiries Act*.

Rules of procedure.

(3) The Commission may make such rules as it deems necessary for the regulation of its proceedings, for the fixing of a quorum for any of its meetings and generally for the conduct of its activities under this Act.

DUTIES OF COMMISSION.

Commission to submit program to Minister.

10. (1) Each year, following determination by the Governor in Council pursuant to the *Agricultural Stabilization Act* of the total amount to be paid by the Agricultural Stabilization Board to the Commission for the purpose of stabilizing the price of milk and cream, the Commission shall submit to the Minister an outline of the program by which it proposes to carry out its functions under this Act for the following fiscal year.

Manner of carrying out functions.

(2) The Commission shall carry out its functions under this Act in a manner that will achieve its objects and meet its obligations from the moneys available to it under this Act.

Compliance by Commission with certain directions from Governor in Council or Minister.

11. In exercising its powers under this Act or the regulations in relation to the importation or exportation of any dairy product, the Commission shall comply with any directions from time to time given to it by the Governor in Council or the Minister.

REGULATIONS.

12. (1) The Governor in Council may make regulations regulating the marketing of any dairy product, including regulations Regulations.

- (a) providing for the marketing of any dairy product on a quota basis;
- (b) designating the agencies through which any regulated product shall be marketed;
- (c) providing for the issue of licences to persons engaged in the production or processing of a regulated product for market, prescribing the fees therefor and providing for cancellation or suspension of licences;
- (d) prohibiting persons from engaging in the marketing of any dairy product, or any class, variety or grade thereof, in whole or in part except under the authority of a licence;
- (e) prescribing the books and records to be kept by persons engaged in the production or processing of a regulated product for market and the information to be furnished by such persons;
- (f) authorizing the Commission to fix, impose and collect levies or charges from persons engaged in the marketing of any dairy product or the production or processing of a regulated product for market and for such purposes to classify such persons into groups, fix the levies or charges payable by the members of the different groups and to use such levies or charges for the purpose of carrying out its functions under this Act;
- (g) providing for the seizure and disposal of any regulated product marketed in contravention of any regulation made under this section; and
- (h) generally, for carrying out the purposes and provisions of this Act.

(2) A regulation made under subsection (1) may be general or restricted to a specific dairy product, area, or group or class of persons. Regulation may be general or specific.

13. The Governor in Council may make regulations requiring the registration of producers of milk and cream as a condition of the making of any payment under paragraph (b) of subsection (1) of section 9 for the benefit of such producers and prescribing the books and records to be kept and the information to be furnished to the Commission by or on behalf of such producers. Idem.

EXPENDITURES.

Adminis-
tration
expenses to
be paid out
of appropria-
tions.

14. All expenditures for salaries, travelling expenses and expenses of administration, excluding those that in the opinion of the Minister are directly attributable to action taken by the Commission to stabilize the price of any dairy product, shall be paid out of moneys appropriated by Parliament for the purpose.

Canadian
Dairy
Commission
Account.

15. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Canadian Dairy Commission Account, in this section called the "Account".

Credits to
Account.

- (2) There shall be credited to the Account
- (a) all moneys received by the Commission from its operations;
 - (b) all licence fees, levies and charges paid to the Commission;
 - (c) all loans made to the Commission by the Minister of Finance pursuant to section 16; and
 - (d) all amounts paid to the Commission by the Agricultural Stabilization Board under the *Agricultural Stabilization Act* for the purpose of stabilizing the price of any dairy product.

Charges to
Account.

(3) There shall be paid out of the Consolidated Revenue Fund and charged to the Account

- (a) all expenditures under this Act, except those to be paid pursuant to section 14; and
- (b) all amounts paid to the Minister of Finance in repayment of loans made to the Commission pursuant to section 16 or as interest on any such loans.

Limitation.

(4) No payment shall be made out of the Consolidated Revenue Fund under this section in excess of the amount of the balance to the credit of the Account.

Loans to
Commission.

16. (1) At the request of the Commission, the Minister of Finance may, out of the Consolidated Revenue Fund, make loans to the Commission on such terms and conditions as are approved by the Governor in Council for the purpose of exercising any of the powers of the Commission described in paragraph (a) of subsection (1) of section 9.

Limitation.

(2) The total amount outstanding at any time of loans made under subsection (1) shall not exceed one hundred million dollars.

GENERAL.

17. The Governor in Council may include on the Import Control List established under the *Export and Import Permits Act* any dairy product the import of which he deems it necessary to control for the purpose of implementing any action taken under this Act to support the price of that dairy product or that has the effect of supporting the price of that dairy product.

Inclusion of dairy product on Import Control List.

18. The Commission may appoint or designate any person as an inspector for the purposes of this Act.

Inspectors.

19. (1) An inspector may at any reasonable time enter any place in which he reasonably believes there is any regulated product and may require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, records or documents relating to that product.

Powers of inspector.

(2) An inspector shall be furnished by the Commission with a certificate of appointment or designation and on entering any place under subsection (1) shall, if so required, produce the certificate to the person in charge thereof.

Certificate of designation.

(3) The owner or persons in charge of any place described in subsection (1) and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act and shall furnish him with such information with respect to any regulated product found therein as he may reasonably require.

Assistance to inspector.

20. (1) No person shall obstruct or hinder an inspector in the carrying out of his duties or functions under this Act or any regulation made thereunder.

Obstruction of inspector.

(2) No person shall make a false or misleading statement either verbally or in writing to an inspector engaged in carrying out his duties or functions under this Act or any regulation made thereunder.

False statement.

21. (1) Every person who, or whose employee or agent, contravenes or fails to comply with any provision of this Act or any regulation made thereunder is guilty of an offence and liable

Offences and penalties.

(a) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; or

(b)

(b) on conviction upon indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offence by
employee or
agent.

(2) In a prosecution for an offence under this section it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified.

Defence.

(3) Where it is established in any prosecution for an offence under this section that the offence was committed by an employee or agent of the accused, it is a defence to the accused that he exercised all due diligence to prevent the commission of the offence.

REPORT TO PARLIAMENT.

Report to
Parliament.

22. The Commission shall, within three months after the termination of each fiscal year, submit to the Minister in such form as he may prescribe, an annual report of the financial transactions and other actions taken under this Act, and the Minister shall lay the report before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

COMING INTO FORCE.

Coming into
force.

23. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 35

An Act respecting the construction by Canadian National Railway Company of a line of railway in the Province of Manitoba from the vicinity of Stall Lake on the Chisel Lake Subdivision of Canadian National Railways in a northeasterly direction for a distance of approximately 12 miles to a point in the vicinity of Osborne Lake in The Pas Mining District of that Province, and of a line of railway in the Province of Saskatchewan from the vicinity of Watrous on the Watrous Subdivision of the said Railways in a northeasterly direction for a distance of approximately 18 miles to a point in the vicinity of Guernsey in the Regina Mining District of that Province.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- | | | |
|-----------|--|-------------------------|
| 1. | In this Act, | Definitions. |
| (a) | "Branch Line Number 1" refers to the branch line described in Part I of the Schedule; | "Branch Line Number 1." |
| (b) | "Branch Line Number 2" refers to the branch line described in Part II of the Schedule; and | "Branch Line Number 2." |
| (c) | "Railway Company" means the Canadian National Railway Company. | "Railway Company." |

- | | | |
|-----------|--|------------------------------|
| 2. | The Governor in Council may provide for the construction and completion, in whole or in part, by Canadian National Railway Company prior to the 31st day of December, 1968, or such later date as the Governor in Council may fix, of either or both of the lines of railway described in Parts I and II of the Schedule, collectively referred to in this Act as the "railway lines". | Construction and completion. |
|-----------|--|------------------------------|

Competitive
bids or
tenders.

3. The Railway Company shall adopt the principle of competitive bids or tenders in respect of the construction of Branch Line Number 1 and Branch Line Number 2 in so far as the Railway Company decides not to perform such work or any part thereof with its own forces, but the Railway Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

Maximum
expenditures.

4. Respective estimates of the mileages of the railway lines, the amounts to be expended on the construction thereof and the average expenditures per mile are set out in the Schedule, and, except with the approval of the Governor in Council, the Railway Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per cent.

Issue of
securities.

5. Subject to this Act and the approval of the Governor in Council, the Railway Company may, in respect of the cost of the construction and completion of the railway lines, or to provide amounts required for the repayment of loans made under section 6, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities"), not exceeding in the aggregate, exclusive of any securities issued to secure loans made under section 6, the sum of one million eight hundred and forty thousand dollars in respect of Branch Line Number 1 and the sum of two million and seventy thousand dollars in respect of Branch Line Number 2, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary
loans.

6. To enable the work of construction and completion of the railway lines, or either of them, to proceed forthwith, the Minister of Finance, upon application made to him by the Railway Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Railway Company out of the Consolidated Revenue Fund not exceeding one million eight hundred and forty thousand dollars in respect of Branch Line Number 1 and not exceeding two million and seventy thousand dollars in respect of Branch Line Number 2, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by securities that the Railway Company is authorized to issue under section 5.

Guarantee.

7. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the

principal and interest of the securities that the Railway Company may issue under this Act.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Forms
and terms.

(3) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue or a separate guarantee endorsed on each of the securities.

Guarantees
may be
general or
separate.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced by permanent guarantees.

Temporary
guarantees.

8. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance in trust for the Railway Company, in one or more banks designated by him.

Deposit of
proceeds of
sale, etc.,
of securities.

(2) The Board of Directors of the Railway Company may authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection (1) to the Railway Company for the purpose of meeting expenditures in respect of the construction of the respective railway lines, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport, the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly.

Release of
deposits.

9. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the date of completion fixed by or under section 2, a statement showing in detail in respect of each of the railway lines, the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any advances made under section 6 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct.

Report to
Parliament.

SCHEDULE.

(Section 2)

PART I: BRANCH LINE TO OSBORNE LAKE, MANITOBA.

Location	Estimates		
	Mileage	Cost of Construction	Average Cost Per Mile
From the vicinity of Stall Lake at the eastern end of the Chisel Lake subdivision of Canadian National Railways in a northeasterly direction to a point about 1 mile west of the north end of Osborne Lake in the Herb Lake Mining Division, The Pas Mining District, Province of Manitoba.....	12	\$1,600,000	\$133,333

PART II: BRANCH LINE TO GUERNSEY, SASKATCHEWAN.

Location	Estimates		
	Mileage	Cost of Construction	Average Cost Per Mile
From the vicinity of Watrous on the Watrous Subdivision of Canadian National Railways in a northeasterly direction to a point a short distance southwest of Guernsey in the Mining District of Regina, Province of Saskatchewan.....	18	\$1,800,000	\$100,000

14-15 ELIZABETH II.

CHAP. 36

An Act to provide for the establishment of The
Company of Young Canadians.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

SHORT TITLE.

1. This Act may be cited as the *Company of Young Canadians Act*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | Definitions. |
|--|---------------------|
| (a) "by-law" means a by-law of the Company; | "By-law." |
| (b) "Company" means The Company of Young Canadians; | "Company." |
| (c) "Council" means the Council of the Company; | "Council." |
| (d) "Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council to act as the Minister for the purposes of this Act; and | "Minister." |
| (e) "volunteer-member" means a person resident in Canada or elsewhere, who enters upon a period of service with the Company under a contract with the Company, to work upon or in connection with programs or projects of the Company. | "Volunteer-member." |

COMPANY OF YOUNG CANADIANS.

3. A corporation is hereby established to be known as The Company of Young Canadians, in English, Corporation established.

and as La Compagnie des Jeunes Canadiens, in French, consisting of the Council of the Company and persons who are volunteer-members of the Company.

Council established.

4. (1) There shall be a Council of the Company consisting of fifteen members, who shall administer the affairs of the Company.

Members of the Council.

(2) Of the fifteen members of the Council, ten shall be elected by volunteer-members of the Company in such manner and for such terms not exceeding three years as may be prescribed by by-law of the Company approved by the Governor in Council and the remainder shall be appointed by the Governor in Council for such terms not exceeding three years as may be fixed by the Governor in Council.

Eligibility for election.

(3) A person who is not a volunteer-member of the Company may be elected to the Council.

Service for two terms.

(4) A person who has served two consecutive terms as a member of the Council is not, during the twelve-month period following the completion of his second term, eligible for re-election or re-appointment.

Provisional Council.

5. (1) The Governor in Council shall appoint a Provisional Council consisting of not more than twenty members who shall hold office until the members of the Council have been elected or appointed as provided for by this Act.

Powers of Provisional Council.

(2) While the members of the Provisional Council hold office, the Provisional Council has and may exercise all the powers and duties of the Council under this Act.

Vacancy.

6. (1) A vacancy in the membership of the Council does not impair the right of the remainder to act.

Vacancy of appointive office.

(2) When the office of an appointed member of the Council becomes vacant during the term of his office by reason of death, resignation or other cause, the Governor in Council shall appoint a person to that office for the unexpired term thereof.

Vacancy of elective office.

(3) When the office of an elected member of the Council becomes vacant during the term of his office by reason of death, resignation or other cause, the members of the Council shall elect a person to that office for the unexpired term thereof.

Chairman.

7. (1) The Council shall designate one of its members to serve as chairman of the Council.

Vice-chairman.

(2) The Council shall designate one of its members to be vice-chairman of the Council who shall, in

the event of the absence or incapacity of the chairman or if the office of chairman is vacant, act as chairman.

8. (1) Each member of the Council may be paid by the Company such allowance for each day while he is in attendance at meetings of the Council as may be fixed by the Governor in Council and reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties. Remuneration and expenses.

(2) Notwithstanding subsection (1), the chairman or vice-chairman of the Council, or both, may be paid by the Company, in lieu of an allowance under subsection (1), such remuneration as may be fixed by the Governor in Council. Idem.

ORGANIZATION.

9. The Council shall meet at such times and places as it deems necessary but shall meet at least once a year. Meetings.

10. (1) The Governor in Council may, on the recommendation of the Council, appoint an Executive Director of the Company who shall hold office during pleasure and with the concurrence of the Council shall be paid by the Company such salary as may be fixed by the Governor in Council. Executive Director.

(2) The Executive Director is the chief executive officer of the Company and, under the direction of the Council, is responsible for the management and supervision of the work and staff of the Company. Chief Executive Officer.

11. (1) The Council may, by by-law, establish an Executive Committee of the Council consisting of the chairman, the vice-chairman and three other members of the Council appointed thereto by the Council. Executive Committee.

(2) The Executive Committee shall exercise such of the powers and functions of the Council as are delegated to it by the Council. Delegation.

(3) The Executive Director may attend the meetings of the Council and the Executive Committee of the Council. Attendance at meetings.

12. The Company may, at such remuneration and upon such other terms and conditions as it considers necessary, employ such officers and employees and retain such technical and professional advisers as are necessary for the proper conduct of its activities. Employees.

Head
office.

13. The head office of the Company shall be at such place in Canada as the Governor in Council may prescribe.

OBJECTS AND POWERS.

Objects.

14. The objects of the Company are to support, encourage and develop programs for social, economic and community development in Canada or abroad through voluntary service.

Powers.

15. In furtherance of its objects, the Company may, in consultation where required or advisable with federal, provincial or other interested governmental authorities or agencies,

- (a) engage in community development work in urban and rural areas in Canada;
- (b) organize and carry out programs designed primarily to widen the social and economic opportunities of young people who leave school before completing their schooling;
- (c) organize and carry out programs to assist young people who are economically or socially handicapped to obtain greater benefits from their schooling and to reduce the number of young people who leave school before completing their schooling;
- (d) assist vocational training projects by the provision of teacher-counsellors, or otherwise, in co-operation with agencies engaged in vocational training, and organize and carry out projects to emphasize the importance of such training;
- (e) undertake recreation programs for young people where recreation programs are not available;
- (f) undertake programs in public health in co-operation with and under the supervision of local authorities, and provide services in connection with public health projects;
- (g) engage in the teaching of home economics in areas of deprivation and provide services in connection therewith;
- (h) organize and carry out programs for the development of co-operative undertakings in education, community development and other related fields of endeavour;
- (i) organize and carry out programs to assist the peoples of other countries to raise their standards of living or otherwise to promote under-

- standing and sympathy between the peoples of those countries and of Canada; and
- (j) generally do at home or abroad all such things as are incidental or ancillary to any of the powers of the Company or that would tend to further the objects of the Company.

BY-LAWS.

16. (1) The Council may make by-laws generally for the conduct and management of its affairs and activities and, without limiting the generality of the foregoing, the Council may make by-laws providing for the appointment of honorary officers and the establishment of advisory committees. By-laws.

(2) A by-law made for the establishment of an advisory committee may provide for the membership thereon of persons other than volunteer-members of the Company, in addition to volunteer-members of the Company, and may authorize the Company to pay members of the advisory committee reasonable travelling and living expenses incurred by them while absent from their ordinary places of residence in the course of their duties. Advisory committees.

BUDGET.

17. The Council shall annually present to the Minister for his approval an operating budget for the next ensuing fiscal year of the Company; and no part of any moneys that may be appropriated by Parliament for the purposes of the Company shall be advanced to the Company in respect of that year until the budget therefor is approved by the Minister. Budget.

GENERAL.

18. The Council may by by-law authorize the Company to provide, in any contract made between the Company and a volunteer-member, Living allowances and honoraria.

- (a) that the Company will pay a living allowance to a volunteer-member while he is performing services under a contract with the Company; and
- (b) that the Company may pay an honorarium to a volunteer-member on satisfactory completion of his contract of service, at such rate as may be approved by the Governor in Council.

19. (1) For the purposes of the *Public Service Superannuation Act*, Application of certain Acts and regulations.

- (a) the Company shall be deemed to be a Public Service corporation within the meaning of section 23 of that Act;
- (b) the Executive Director and the officers and employees of the Company shall be deemed to be employed in the Public Service; and
- (c) volunteer-members, while performing services under a contract with the Company, shall be deemed not to be employed in the Public Service.

Idem.

(2) For the purposes of the *Government Employees Compensation Act* and any regulation made pursuant to section 5 of the *Aeronautics Act*,

- (a) the Executive Director and the officers and employees of the Company, and
- (b) volunteer-members, while performing services under a contract with the Company and subject to such regulations as may be made by the Governor in Council in that behalf,

shall be deemed to be employees in the public service of Canada.

Company
not agent
of Her
Majesty.

20. (1) The Company is not an agent of Her Majesty and, except as provided in section 19, the Executive Director and the officers and employees of the Company are not part of the public service and a volunteer-member, while performing services under a contract with the Company, is not an officer, employee or agent of the Company or a servant or agent of the Crown.

Company
liable
in tort.

(2) Notwithstanding subsection (1), the Company is liable in tort for any damages, in respect of a tort committed by a volunteer-member of the Company, for which it would be liable if the volunteer-member were an employee or agent of the Company.

Gifts.

21. The Company may accept any property by way of gift, bequest or devise and may, notwithstanding anything in this Act, expend, administer or dispose of any such property in the furtherance of the objects of the Company, subject to the terms, if any, upon which such property was given, bequeathed or devised.

Charitable
organization.

22. The Company shall be deemed to be a charitable organization in Canada

- (a) as described in paragraph (e) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act; and
- (b) as described in subparagraph (i) of paragraph (d) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

23. The Company has the sole and exclusive right to have and use all emblems, badges, standards, crests, decorations or designating marks or titles that are adopted by the Company with the approval of the Governor in Council and in respect of which the Registrar of Trade Marks has given public notice of the adoption or use. Emblems.

AUDIT.

24. The accounts and financial transactions of the Company shall be audited annually by an auditor appointed by the Governor in Council. Audit.

REPORT TO PARLIAMENT.

25. The Executive Director of the Company shall, within three months after the termination of each fiscal year of the Company, transmit to the Minister a statement relating to the activities of the Company for that year, including the financial statements of the Company and the auditor's report thereon, and the Minister shall cause such statement to be laid before Parliament within fifteen days after the receipt thereof, or if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. Report.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 37

An Act to amend the Crop Insurance Act.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1959, c. 42;
1964-65, c. 28.

1. Subparagraph (ii) of paragraph (b) of subsection (1) of section 4 of the *Crop Insurance Act* is repealed and the following substituted therefor:

“(ii) twenty-five per cent of the premiums paid in respect of policies of insurance in that year.”

2. (1) Paragraph (a) of subsection (1) of section 4B of the said Act is repealed and the following substituted therefor: 1964-65, c. 28,
s. 2.

“(a) the premium receipts for the year minus any moneys paid by the province for the purpose of reinsurance for that year;”

(2) Paragraph (a) of subsection (2) of section 4B of the said Act is repealed and the following substituted therefor: 1964-65, c. 28,
s. 2.

“(a) the premium receipts for the year minus any moneys paid by the province for the purpose of reinsurance for that year; and”

3. (1) Subparagraph (iv) of paragraph (a) of subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

“(iv) the amount of the insurance to be effected on any crop in any area or on any farm in

any area, which shall not exceed eighty per cent of the average yield of the crop in the area or on the farm, whichever is the greater,”

(2) Subsection (1) of section 5 of the said Act is further amended by adding thereto, immediately after paragraph (f) thereof, the following paragraph:

“(fa) specify the manner in which the province will inform each person to whom a policy of crop insurance is issued of Canada’s participation in the insurance scheme under which the policy is issued;”

4. The said Act is further amended by adding thereto, immediately after section 5 thereof, the following heading and section:

“EXTENDED COVERAGE.

Definition
of “extended
coverage”.

5A. (1) In this section, “extended coverage” means insurance against

- (a) loss arising from the destruction in whole or in part of stands of fruit trees or perennial plants other than trees; or
- (b) loss arising when the seeding of summer-fallow land intended to be used to grow an insured crop is prevented by excess ground moisture, weather or other agricultural hazards.

Agreement to
extend
coverage.

(2) Where the Minister enters or has entered into an agreement under section 3 with any province operating an insurance scheme that includes extended coverage, the Minister may, subject to any regulations made by the Governor in Council, agree to the payment by Canada to that province of contributions in respect of that extended coverage on the same basis as contributions are payable under subsection (1) of section (4) in respect of an insurance scheme.

Contents of
agreement.

(3) An agreement entered into under subsection (2) shall

- (a) specify the area or areas in the province to which the extended coverage applies, the nature of the losses insured against by the extended coverage, the fruit trees or perennial plants to which the agreement relates, and the manner of ascertaining and determining the losses insured against by the extended coverage to which the agreement relates;

- (b) specify the amount of insurance to be effected under the extended coverage to which the agreement relates which shall not exceed,
 - (i) in the case of a loss described in paragraph (a) of subsection (1), eighty per cent of the average cost of replacement of the fruit trees or perennial plants destroyed, and
 - (ii) in the case of a loss described in paragraph (b) of subsection (1), eighty per cent of the average cost of summer-fallowing the land; and
- (c) contain such other terms, conditions and provisions with respect to matters referred to in subsection (1) of section 5 or otherwise as the Minister considers appropriate."

5. Paragraph (b) of subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

- "(b) for calculating and determining the average yield of any insured crops in any area or on any farm in an area;
- (ba) for calculating and determining the average cost of replacement of fruit trees and perennial plants to which an agreement under section 5A applies, and the average cost of summer-fallowing to which an agreement under section 5A applies;"

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 38

An Act to amend the Customs Tariff.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S. cc. 60,
316;
1952-53, c. 31;
1953-54, c. 53;
1955, c. 51;
1956, c. 36;
1957, c. 21;
1958, c. 27;
1959, c. 12;
1960, c. 27;
1960-61, c. 45;
1963, cc. 7,
18, 35;
1964-65, c. 7;
1965, c. 17.

1. Schedule A to the *Customs Tariff* is amended by striking out tariff items 945-1, 7905-1, 20925-1, 21045-1, 23505-1, 23705-1, 24100-1, 26325-1, 41105-1, 42205-1, 44043-1, 44047-1, 44125-1, 70500-1, 70505-1 and 84805-1, and the enumerations of goods and the rates of duty set opposite each of those items, and by inserting therein the items, enumerations of goods and rates of duty specified in Schedule A to this Act.

Schedule A
amended.

2. Schedule B to the said Act is amended by striking out item 97052-1 and the enumeration of goods and the rate of drawback of customs duty set opposite that item, and by inserting therein the item, enumeration of goods and rate of drawback of customs duty specified in Schedule B to this Act.

Schedule B
amended.

3. Schedule C to the said Act is amended by striking out item 99219-1 and the enumeration of goods set opposite that item, and by inserting therein the item and enumeration of goods specified in Schedule C to this Act.

Schedule C
amended.

4. This Act and the Schedules to this Act shall be deemed to have come into force on the 30th day of March, 1966, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

Commence-
ment.

SCHEDULE A.

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
945-1	Feeds for use exclusively in the feeding of trout..... on and after July 1, 1968	Free 15 p.c.	Free 20 p.c.	25 p.c. 25 p.c.
7905-1	Carnation cuttings in their first year of introduction.....	Free	Free	Free
20925-1	Potassium chloride..... (Applicable to December 31, 1967)	Free	Free	25 p.c.
21045-1	Sodium hypochlorite in solution..... (Applicable to December 31, 1967)	15 p.c.	20 p.c.	30 p.c.
23505-1	Liquorice blocks, granules, paste or powder, not sweetened.....	Free	12½ p.c.	17½ p.c.
23705-1	Deuterium oxide or heavy water; uranium in the form of pigs, ingots, billets or bars... on and after July 1, 1968	Free Free	Free 15 p.c.	25 p.c. 25 p.c.
24100-1	Litharge and mixtures or combinations of litharge with other materials, such mixtures or combinations to contain not less than 50 per cent by weight of litharge, for use exclusively in the manufacture of storage battery plates.....	Free	Free	Free
26325-1	Compounds of tetramethyl lead, in which tetramethyl lead is the preponderant constituent by weight..... (Applicable to December 31, 1967)	12½ p.c.	12½ p.c.	25 p.c.
41105-1	Machines, logging cars, cranes, captive balloons having a volume of 150,000 cubic feet or more, blocks and tackle, wire rope, but not including wire rope to be used for guy ropes or in braking logs going down grade, and parts of all the foregoing, for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump, or common or other carrier.....	10 p.c.	12½ p.c.	20 p.c.
42205-1	Concrete road-paving machines, self-propelling, end loading type, with a capacity of 21 cubic feet of wet concrete or more; concrete and asphalt road finishing machines; form graders; sub-graders; combination excavating and transporting scraper units; concrete mixers, transit type; dump wagons or trailers, having a capacity of 10 cubic yards or over, not self-propelled; back-filling machines and equipment, mounted on self-propelling wheels or crawling traction, semi- or full-revolving boom and scraper type; steam or air driven pile hammers or extractors; truck turntables; all the foregoing of a class or kind not made in Canada, parts thereof.....	Free	7½ p.c.	12½ p.c.

SCHEDULE A—*Concluded*

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
	Aircraft, not including engines, under such regulations as the Minister may prescribe:			
44043-1	When of types or sizes not made in Canada. on and after July 1, 1967	Free Free	Free 15 p.c.	27½ p.c. 27½ p.c.
	Aircraft engines, when imported for use in the equipment of aircraft:			
44047-1	When of types or sizes not made in Canada. on and after July 1, 1967	Free Free	Free 15 p.c.	27½ p.c. 27½ p.c.
44125-1	Guns and rifles of a class or kind not made in Canada; parts thereof.....	Free	7½ p.c.	30 p.c.
44725-1	Well points, well screens, well strainers, pitless well heads; all the foregoing of a class or kind not made in Canada, parts thereof.	Free	7½ p.c.	12½ p.c.
57210-1	<i>Oriental rugs or carpets with pile hooked or knotted by hand.....</i> <i>and, per square foot</i>	15 p.c.	15 p.c. 5 cts.	40 p.c. 20 cts.
70505-1	<i>Goods, as defined by regulations made by the Minister, imported by a settler for his household or personal use, if actually owned by the settler and in his possession and use before his removal to Canada, under such regulations as the Minister may prescribe.....</i>	Free	Free	Free
	Any goods imported under this tariff item which are sold or otherwise disposed of within twelve months after importation are subject to the duties and taxes otherwise prescribed.			
84805-1	Machines and apparatus and parts thereof (including motive power) of a class or kind not made in Canada and drilling mud, for use in the exploration, discovery, development and operation of potash and rock salt mines or for use in the production of crushed and screened rock salt.....	Free	Free	Free

SCHEDULE B.

Item No.	Goods	When Subject to Drawback	Portion of Duty (not including Special Duty or Dumping Duty) Payable as Drawback
97052-1	Machines; precision instruments and apparatus for heat treating, welding, sorting, testing, inspecting or correcting; control panels for use with the aforementioned machines and precision instruments and apparatus; all of the foregoing of a class or kind not made in Canada; accessories and attachments for use with the aforementioned machines and precision instruments and apparatus; parts of all the foregoing, not including consumable tools.	When used in the plants of manufacturers of automobiles and motor vehicles or of automobile or motor vehicle parts for the manufacture of automobiles and motor vehicles or of automobile or motor vehicle parts; <i>or when used for the manufacture of dies, jigs, fixtures or moulds which are used in the production of automobile or motor vehicle parts</i>	99 p.c.

SCHEDULE C.

99219-1	Used or second-hand mattresses or materials therefrom: This item does not affect in any manner: (a) mattresses imported under tariff items 70405-1, 70410-1, 70505-1, 70600-1, 70700-1, 70800-1, or under tourists' or travellers' vehicle permits; (b) materials from used or second-hand mattresses, when imported after having been cleaned and fumigated, under such regulations as the Minister may prescribe, accompanied by such certificates as he may designate.
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ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 39

An Act to amend the Exchequer Court Act.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., 1952,
c. 98;
1952-53, c. 30;
1957, c. 24;
1960-61, c. 38;
1964-65, c. 14.

1. Section 80 of the *Exchequer Court Act* is repealed and the following substituted therefor:

"80. (1) All fees payable to the Registrar under this Act shall be paid into the Consolidated Revenue Fund of Canada and the Registrar shall regulate the collection of such fees. **Fees payable.**

(2) Subsection (1) does not apply to fees collected by an official of a provincial court, acting as a Deputy Registrar of the Exchequer Court in accordance with any arrangement in that behalf made by the Minister of Justice, and any fees so collected shall be retained and dealt with in the same manner as amounts paid as provincial court fees." **Exception.**

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 40

An Act to amend the Excise Tax Act.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (a) of subsection (2) of section 22 of the *Excise Tax Act* is repealed and the following substituted therefor:

“(a) in calculating the sale price of goods manufactured or produced in Canada there shall be included the amount charged as price for or in respect of the wrapper, package, box, bottle or other container in which the goods are contained; and”

2. Section 29 of the said Act is amended by adding thereto, immediately after subsection (2b) thereof, the following subsection:

“(2c) A person engaged in the business of retreading tires shall, for the purposes of this Part, be deemed to be the manufacturer or producer of tires retreaded by him and tires retreaded by him for or on behalf of any other person shall be deemed to be sold, at the time they are delivered to that other person, at a sale price equal to the retreading charge.”

3. (1) Subparagraph (i) of paragraph (a) of subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

“(i) payable, in any case other than a case mentioned in subparagraph (ii) or (iii), by

R.S., cc.
100, 320;
1952-53,
c. 35;
1953-54, c. 56;
1955, c. 53;
1956, c. 37;
1957, c. 28;
1957-58, c. 14;
1958, c. 30;
1959, c. 23;
1960, c. 30;
1960-61, c. 47;
1962-63, c. 6;
1963, c. 12.

1953-54, c. 56,
s. 3.

Retreader of
tires deemed
manufacturer
or producer.

the producer or manufacturer at the time when the goods are delivered to the purchaser or at the time when the property in the goods passes, whichever is the earlier,”

(2) Paragraph (a) of subsection (1) of section 30 of the said Act is further amended by adding the word “and” at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

“(iii) payable, in the case of dressed or dressed and dyed furs, by the person to whom the furs are delivered by the dresser or dyer, at the time of such delivery, whether or not that person is a licensed wholesaler or licensed manufacturer, and the sale price of the goods shall be deemed to be either the aggregate of the current market value of the furs in their raw state and the dressing or dressing and dyeing charge, or the dyeing charge only where the furs delivered were dressed furs on which tax has been paid under this subparagraph or on importation, and the dresser or dyer shall collect the tax at the time the furs are so delivered in the form of a certified cheque made payable to the Receiver General of Canada and shall forthwith remit the same to the Receiver General of Canada;”

(3) Section 30 of the said Act is further amended by adding thereto the following subsections:

Dressed or
dressed and
dyed furs.

“(5) Notwithstanding anything contained in this Part, dressed or dressed and dyed furs are deemed not to be partly manufactured goods and paragraphs (c) of subsection (1) and (c), (d) and (f) of subsection (2) do not apply in respect of such furs.

Current
market value
determined
by the
Minister.

(6) For the purposes of subparagraph (iii) of paragraph (a) of subsection (1), the Minister shall determine the current market value of furs in their raw state in such manner as may be prescribed by regulation of the Governor in Council.”

1956, c. 37,
s. 5.

4. Subsection (3) of section 32 of the said Act is repealed and the following substituted therefor:

"(3) There shall be imposed, levied and collected only three-eighths of the tax imposed by section 30 on the sale or importation of the articles enumerated in Schedule V and with respect to any such articles delivered to the purchaser or imported or taken out of warehouse for consumption after March 31, 1968, the tax imposed by section 30 shall not apply.

Articles progressively exempted.

(4) The taxes imposed by Parts IV to VI inclusive, do not apply to goods imported under *Customs Tariff* items 69005-1, 69305-1, 69310-1, 69315-1, 70305-1, 70310-1, 70315-1, 70320-1, 70321-1, 70405-1, 70410-1, 70500-1, 70505-1 and 70800-1."

Further articles exempted.

5. Subsection (4) of section 46 of the said Act is repealed and the following substituted therefor:

"(4) A refund or deduction of the amount of the consumption or sales tax may be granted to a wholesaler, jobber or other dealer on goods enumerated in *Customs Tariff* item 44200-1 when sold to manufacturers to be used as specified in the said item."

Refund on goods enumerated in item 44200-1.

6. The said Act is further amended by adding thereto, immediately after section 47A thereof, the following sections:

1963, c. 12, s. 6.

"**47B.** Where a dressed or dressed and dyed fur on which tax has been paid is delivered to a person to be incorporated by him or on his behalf into an article on which consumption or sales tax is payable, the Minister may, upon application by such person in such form as the Minister prescribes, allow to him at such time as the Minister may by regulation prescribe, but in any case at a time not later than the time when the tax in respect of the article in which the fur is incorporated is payable, a deduction from tax payable by him equal to the tax paid on such fur less any deduction from tax previously allowed in respect thereof.

Deduction from tax in respect of furs.

47C. Where by this Act or *An Act to amend the Excise Tax Act*, chapter 12 of the Statutes of 1963, a deduction from or refund of tax is provided for or a payment by the Minister in an amount equal to tax paid is provided for, and circumstances exist that render it difficult to determine the exact amount of such deduction, refund or payment by the Minister, the Minister, with the consent of the person to whom the deduction, refund or payment may be granted or made, may in lieu thereof grant a deduction or

Calculation of deduction, refund or payment.

refund or make a payment in an amount determined, in such manner as the Governor in Council may by regulation prescribe, to be the exact amount of the deduction, refund or payment."

1960-61,
c. 47,
s. 7(2).

7. (1) Section 3 of Schedule I to the said Act is repealed and the following substituted therefor:

"3. Devices, commonly or commercially known as lighters, that produce sparks, flame or heat whether or not in combination with other articles.....
.....ten cents per device."

1960-61,
c. 47,
s. 7(3).

(2) Paragraph (c) of section 5 of Schedule I to the said Act is repealed and the following substituted therefor:

"(c) electron tubes, not including cathode ray tubes, the duty paid value or the sale price of which, as the case may be, does not exceed five dollars per tube.....ten cents per tube."

8. Schedule III to the said Act is repealed and the following substituted therefor:

"SCHEDULE III.

PART I.

COVERINGS OR CONTAINERS.

1. Usual coverings or usual containers to be used exclusively for covering or containing goods not subject to the consumption or sales tax but not including coverings or containers designed for dispensing goods for sale or designed for repeated use other than

- (a) barrels and boxes for fish; lobster crates; scallop bags;
- (b) barrels, boxes, baskets, crates and bags for packaging fruits and vegetables;
- (c) bottles, cans and plastic bags for milk and cream;
- (d) boxes and crates for eggs;
- (e) butter and cheese boxes;
- (f) cans and insulated bags for ice cream;
- (g) corrugated paper boxes for bread;
- (h) drums and cans for honey;
- (i) flour bags.

2. Materials for use exclusively in the manufacture of the tax-exempt goods mentioned in section 1 of this Part.

PART II.

DIPLOMATIC.

1. Articles for the use of the Governor General.

2. Articles imported for the personal or official use of the Heads of Diplomatic Missions, High Commissioners representing other of Her Majesty's Governments, Counsellors, Secretaries and Attachés at Embassies, Legations and Offices of High Commissioners in Canada, Trade Commissioners and Assistant Trade Commissioners representing other of Her Majesty's Governments, Consuls General, Consuls and Vice-Consuls of Foreign Nations, who are natives or citizens of the countries they represent and are not engaged in any other business or profession.

3. Automobiles, cigars, cigarettes, manufactured tobacco, ale, beer, stout, wines and spirits purchased in Canada by any of the persons mentioned in section 2 of this Part.

PART III.

EDUCATIONAL, TECHNICAL, CULTURAL, RELIGIOUS AND LITERARY.

1. Bibles, missals, prayer books, psalm and hymn books, religious tracts, Sunday School lesson pictures, books bound and unbound, pamphlets, booklets, leaflets, scripture, prayer, hymn and mass cards and religious mottoes and pictures unframed, for the promotion of religion, and materials to be used exclusively in the manufacture thereof, but not including forms, stationery or annual calendars.

2. Chalkboards, desks, tables and chairs, not including upholstered chairs, when sold to or imported by educational institutions for their own use and not for resale, and materials for use exclusively in the manufacture thereof.

3. College and school annuals; magazines and literary papers unbound regularly issued at stated intervals not less frequently than four times yearly; newspapers; sheet music; materials for use exclusively in the manufacture thereof.

4. Manuscript.

5. National manufacturing, industrial or mercantile trade directories, and materials for use exclusively in the manufacture thereof, but excluding all other directories, and excluding statistical, financial or biographical surveys, reports, year books or directories, and transportation, telephone, municipal or street directories, guides or rate books.

6. Phonograph records and audio tapes authorized by the Department of Education of any province in Canada for instruction in the English or the French language, and materials for use exclusively in the manufacture thereof.

7. Portrait photographs of individuals.

8. Printed books that contain no advertising and are solely for educational, technical, cultural or literary purposes, and materials for use exclusively in the manufacture thereof, but excluding albums, books for writing or drawing upon, catalogues, fashion books, periodic reports, price lists, rate books, timetables and any books similar to the foregoing exclusions.

9. Printing for school boards, schools and universities, for use by such institutions and not for resale.

The Minister shall be the sole judge as to whether any printed material comes within any of the classes mentioned in sections 1, 3, 5 and 8 of this Part.

PART IV.

FARM AND FOREST.

1. Alfalfa meal; beet pulp, dried; feeds for poultry, cattle and other stock, for fur-bearing or laboratory animals and for fish, supplements for addition to such feeds, and materials for use exclusively in the manufacture of such feeds or supplements; oil cake, oil cake meal; shorts.

2. Animals, living; poultry, living; bees.

3. Baling wire for baling farm produce, and articles and materials to be used or consumed exclusively in the manufacture thereof.

4. Boxes for farm wagons, and articles and materials for use exclusively in the manufacture thereof.

5. Casein.

6. Cut flowers; cut foliage; dormant flower bulbs, corms, roots and tubers; nursery stock; potted, flowering or bedding plants; vegetable plants.

7. Drain tile for agricultural purposes and materials for use exclusively in the manufacture thereof.

8. Farm produce produced and sold by the individual farmer.

9. Farm wagons, including four-wheeled farm wagons equipped to be tractor drawn and farm sleds; materials for use exclusively in the manufacture thereof.

10. Fertilizer.

11. Forest products when produced and sold by the individual settler or farmer; logs and round unmanufactured timber; sawdust; wood shavings.

12. Friction disc sharpeners.

13. Furs, raw.

14. Grain or seed cleaning machines and complete parts therefor; materials for use exclusively in the manufacture thereof.

15. Grains and seeds in their natural state; hay; hops; straw.

16. Harness for horses and complete parts therefor, and articles and materials for use exclusively in the manufacture thereof; harness leather.

17. Hides, raw and salted.

18. Individual tree guards and tree protectors not exceeding thirty-six inches in height.

19. Peat moss when used for agricultural purposes, including poultry litter.

20. Preparations, chemicals or poisons (other than pharmaceuticals) for pest control purposes in agriculture or horticulture, and materials used in the manufacture thereof.

21. Rodent poisons, and materials for use exclusively in the manufacture thereof.

22. Sap spouts, sap buckets, and evaporators and complete parts therefor when for use exclusively in the production of maple syrup.

23. Self-propelled, self-unloading forage wagons for off-highway use for farm purposes and materials used in the manufacture thereof.

24. Steel pens, steel stalls and complete parts therefor for farm animals, and articles and materials for use exclusively in the manufacture thereof.

25. Tobacco dryers, not including buildings, for use on the farm for farm purposes only, parts therefor and articles and materials for use in the manufacture thereof.

26. Traction engines for farm purposes and accessories therefor (not including machines and tools for operation by such engines) and complete parts of the foregoing, and materials to be used exclusively in the manufacture thereof.

27. Wool not further prepared than washed; woollen rolls or wool yarn milled for a producer of wool for his own use from wool supplied by him.

PART V.

FOODSTUFFS.

1. Baking powder; baking soda; cream of tartar; yeast.
2. Bread; bakers' cakes and pies, including biscuits, cookies and similar articles but not including simulated chocolate bars or candy bars.
3. Cereal breakfast foods not including beverages.
4. Corn syrup; malt syrup, except when sold for beverage purposes; maple syrup; molasses; table syrups.
5. Dessert powders; pie fillings; edible gelatine; cocoanut.
6. Eggs; egg albumen; egg yolks.
7. Fish and edible products thereof; ingredients in canned fish.
8. Flour, including pastry, cake, biscuit and similar mixes.
9. Food flavouring extracts, emulsions and powders, not including those for beverages.
10. Foods prepared and sold exclusively for feeding infants.
11. Fruit, fresh, canned, frozen, preserved, dried or evaporated.
12. Fruit juices consisting of at least eighty-five per cent of the pure juice of the fruit and concentrates thereof; grape juice; prune juice; vegetable juices.
13. Grain grits and meals; barley; rice; split peas.
14. Honey; jams, jellies, marmalades; preserves.
15. Ice.
16. Lard; shortening; cooking and salad oils; mayonnaise; salad dressings.
17. Macaroni; spaghetti; vermicelli.
18. Meats and poultry, fresh, cooked, canned, frozen, smoked or dried.
19. Milk, including buttermilk, condensed milk, evaporated milk, and powdered milk; cream; prepared whipping cream; butter; cheese; ice cream; yogurt.
20. Oleomargarine and margarine for consumption in the Province of Newfoundland.
21. Peanut butter; sandwich spreads.

22. Pickles, relishes, catsups, sauces, olives, horse-radish, mustard, and similar goods, gravies; meat extracts.

23. Salt; spices, condiments, seasonings; meat tenderizers.

24. Soups.

25. Sugar; glucose; lactose.

26. Tea, coffee and substitutes therefor; cocoa; drinks prepared from milk or eggs; bases or concentrates for making food beverages, but not including bases or concentrates for making soft drinks or alcoholic beverages.

27. Vegetables, fresh, canned, frozen or dehydrated.

28. Vegetarian food products manufactured from vegetable and mineral ingredients to simulate meat products.

29. Vinegar.

30. Materials for use exclusively in the manufacture or production of the tax-exempt goods mentioned in sections 1 to 29 of this Part.

PART VI.

FUELS AND ELECTRICITY.

1. Additives for fuel oil for heating, and materials used in the manufacture thereof.

2. Diesel fuel oil when used in internal combustion engines engaged in logging operations and in the manufacture of rough lumber.

3. Electricity.

4. Fuel oil for use in the generation of electricity except where the electricity so generated is used primarily in the operation of a vehicle.

5. Fuel for lighting or heating, but not including fuel when for use in internal combustion engines; crude oil to be used in the production of fuel.

6. Gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes.

7. Natural gas.

PART VII.

GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS.

1. Goods enumerated in *Customs Tariff* items 17305-1, 17310-1, 17315-1, 17320-1, 17325-1, 17330-1, 20910-1, 35205-1, 35210-1, 36400-1, 40601-1, 40602-1, 40900-1, 40902-1, 40904-1, 40906-1, 40908-1, 40910-1,

40912-1, 40914-1, 40916-1, 40918-1, 40920-1, 40922-1, 40924-1, 40926-1, 40928-1, 40930-1, and complete parts thereof, 40932-1, 40934-1, 40948-1, 40950-1, 40956-1, 40958-1, 40960-1, 43600-1, 43700-1, 44037-1, 44040-1, 46000-1, 47600-1, 47605-1, 47610-1, 47805-1, 47810-1, 47815-1, 48000-1, 48005-1, 66310-1, 66600-1, 66700-1, 68200-1, 68205-1, 69005-1, 69200-1, 69205-1, 69210-1, 69305-1, 69310-1, 69315-1, 69505-1, 69510-1, 69515-1, 69520-1, 69605-1, 69610-1, 69615-1, 69700-1, 69800-1, 69900-1, 70000-1, 70100-1, 70200-1, 70405-1, 70410-1, 70800-1, 70815-1, 78600-1.

2. Articles and materials that enter into the cost of manufacture of the goods enumerated in *Customs Tariff* items 40900-1, 40902-1, 40904-1, 40906-1, 40908-1, 40910-1, 40912-1, 40914-1, 40916-1, 40918-1, 40920-1, 40922-1, 40924-1, 40926-1, 40928-1, 40932-1, 40934-1, 40944-1, and 43915-1, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the foregoing tariff items under regulations prescribed by the Minister.

3. Articles and materials for use exclusively in the manufacture of goods enumerated in *Customs Tariff* items 17305-1, 17310-1, 17315-1, 17320-1, 17325-1, 17330-1, 40601-1, 40602-1, 40900-1, 40902-1, 40904-1, 40906-1, 40908-1, 40910-1, 40912-1, 40914-1, 40916-1, 40918-1, 40920-1, 40922-1, 40924-1, 40926-1, 40928-1, 40930-1, 40932-1, 40934-1, 40948-1, 40950-1, 40956-1, 40958-1, 40960-1, 41010-1, 41100-1, 41110-1, 43915-1, 44037-1, 44040-1, 47600-1, 47605-1, 48000-1, 48005-1, 66300-1, 66305-1, 66310-1, 66600-1, 66700-1, 69605-1, 69610-1.

4. Materials, not including plant equipment consumed in process of manufacture or production, that enter directly into the cost of goods enumerated in *Customs Tariff* items 40601-1, 40602-1, 40900-1, 40902-1, 40904-1, 40906-1, 40908-1, 40910-1, 40912-1, 40914-1, 40916-1, 40918-1, 40920-1, 40922-1, 40924-1, 40926-1, 40928-1, 40930-1, 40932-1, 40934-1, 40948-1, 40950-1, 41010-1, 41100-1, 41110-1, 43915-1, 44037-1, 44040-1, 47600-1, 47605-1, 48000-1, 48005-1, 66300-1, 66305-1, 66600-1, 66700-1, 69605-1, 69610-1.

PART VIII.

HEALTH.

1. Adrenocorticotrophin (ACTH); cortisone; insulin; radium.

2. Articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of National Health and Welfare, when purchased in good faith for use exclusively by the said hospital and not for resale.

3. Artificial eyes.

4. Artificial teeth and articles and materials for use in the manufacture thereof.

5. Hearing aids and parts therefor, including batteries specifically designed for use therewith.

6. Laryngeal speaking aids and parts therefor, including batteries specifically designed for use therewith.

7. Liver extract for use exclusively in the treatment of anaemia.

8. Plastic surgical drapes for use during surgical operations and articles and materials for use in the manufacture thereof.

9. Prepared surgical skin closure devices and articles and materials for use in the manufacture thereof.

10. Prepared surgical sutures.

11. Vaccine for use in the prevention of poliomyelitis, and materials for use exclusively in the manufacture thereof.

PART IX.

MARINE AND FISHERIES.

1. Boats *bona fide* purchased by fishermen for use in the fisheries, and articles and materials for use exclusively in the manufacture, equipment or repair thereof.

2. Carrageen or Irish moss.

3. Cotton duck and cotton sail twine for use exclusively in the manufacture of equipment for ships or vessels.

4. Lobster pots, lobster traps, crab or shrimp pots, crab or shrimp traps, and materials for use exclusively in the manufacture thereof.

5. Materials for use exclusively in the equipment and repair of ships for use exclusively for commercial purposes.

6. Preservatives for use exclusively for treating fishing nets, ropes and lines.

7. Rope and cordage of cotton, hemp, manila or other vegetable fibre, or nylon, for the fisheries, not including these articles for sportsmen's purposes, and materials for use exclusively in the manufacture thereof.

8. Ships licensed to engage in the Canadian coasting trade.

9. Sinkers and floats including trawl kegs when for use exclusively in the fisheries, not including these articles for sportsmen's purposes.

PART X.

MINES AND QUARRIES.

1. Crushed stone; crushed gravel.
2. Gold and silver in bars, blocks, drops, ingots, plates or sheets not further manufactured.
3. Ores of all kinds.
4. Sand, gravel, rubble and field stone.
5. Vermiculite; perlite.

PART XI.

MISCELLANEOUS.

1. Articles and materials purchased or imported by a government of a country designated by the Governor in Council under *Customs Tariff* item 70800-1, or purchased or imported by a Canadian government agency on behalf of such a government, for the construction, maintenance or operation of military or defence establishments in Canada and not intended for resale, gift or other disposition except as may be authorized by the Minister of National Revenue.

2. Baler twine and materials for use exclusively in the manufacture thereof.

3. British and Canadian coins; foreign gold coin.

4. Donations of clothing and books for charitable purposes.

5. Fire brick, plastic refractories, high temperature cement, fire clay and other refractory materials and materials to be used or consumed exclusively in the manufacture thereof.

6. Identification tags or labels for designating the grades or quality of meat, poultry, fish, eggs, fruit and vegetables, and materials for use exclusively in the manufacture thereof.

7. Memorials or monuments erected in memory of members of the Armed Forces who lost their lives in the service of their country.

8. Stained glass windows of blown glass, technically called Antique glass, or of handmade slab glass, and materials for use exclusively in the manufacture of such windows.

9. Tanks for collecting milk and materials for use exclusively in the manufacture thereof, not including chassis or cabs.

10. Twenty-five per cent of the sale price if manufactured in Canada, or twenty-five per cent of the duty-paid value if imported, of trailers for use as homes.

11. War Veterans' badges.

PART XII.

MUNICIPALITIES.

1. Certain goods sold to or imported by municipalities for their own use and not for resale, as follows:

- (a) culverts,
- (b) equipment, at a price in excess of five hundred dollars per unit, specially designed for use directly for road making, road cleaning or fire fighting, but not including automobiles or ordinary motor trucks,
- (c) fire hose including couplings and nozzles therefor,
- (d) fire truck chassis for the permanent attachment thereon of fire fighting equipment for use directly in fire fighting,
- (e) goods for use as part of sewerage and drainage systems, and, for the purposes of this exemption, any agency operating a sewerage or drainage system for or on behalf of a municipality may be declared by the Minister to be a municipality,
- (f) laminated timber for bridges,
- (g) precast concrete shapes for bridges in public highway systems,
- (h) structural steel and aluminum for bridges.

2. Articles and materials for use exclusively in the manufacture of the tax-exempt goods mentioned in section 1 of this Part.

PART XIII.

PRODUCTION EQUIPMENT AND PROCESSING MATERIALS.

1. All of the following when for use by manufacturers or producers directly in the manufacture or production of goods:

- (a) dies, jigs, fixtures and moulds;

- (b) patterns for dies, jigs, fixtures and moulds; and
 - (c) tools for use in or attachment to production machinery that are for working materials by turning, milling, grinding, polishing, drilling, punching, boring, shaping, shearing, pressing or planing.
2. Materials (not including grease, lubricating oils or fuel for use in internal combustion engines) consumed or expended directly in the process of manufacture or production of goods.
3. Typesetting and composition, metal plates, cylinders, matrices, film, art work, designs, photographs, rubber material, plastic material and paper material, when impressed with or displaying or carrying an image for reproduction by printing, made or imported by or sold to a manufacturer or producer for use exclusively in the manufacture or production of printed matter."

9. The said Act is further amended by adding thereto the following Schedule:

"SCHEDULE V.

The following articles:

- (a) machinery and apparatus sold to or imported by manufacturers or producers for use by them directly in the manufacture or production of goods;
- (b) equipment sold to or imported by manufacturers or producers for use by them for exhausting dust and noxious fumes produced by their manufacturing or producing operations;
- (c) safety devices and equipment sold to or imported by manufacturers or producers for use by them in the prevention of accidents in the manufacture or production of goods;
- (d) equipment sold to or imported by manufacturers or producers for use by them in carrying refuse or waste from machinery and apparatus used by them directly in the manufacture or production of goods;
- (e) gasoline powered and diesel powered self-propelled trucks mounted on rubber-tired wheels for off-highway use exclusively at mines and quarries;
- (f) internal combustion tractors, other than highway truck tractors, for use exclusively in the operation of logging, such operation to include

- the removal of the log from stump to skidway, log dump, or common or other carrier;
- (g) logging wagons and logging sleds;
 - (h) machinery, logging cars, cranes, captive balloons having a volume of 150,000 cubic feet or more, blocks and tackle and wire rope; all the foregoing for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump, or common or other carrier;
 - (i) pipes or tubes commonly known as "oil-country goods", being casing or tubing and fittings, couplings, thread protectors and nipples therefor; drill pipe; all of the foregoing for use in connection with natural gas or oil wells;
 - (j) machinery and apparatus, including drilling bits and seismic shot-hole casing, for use in exploration for or discovery or development of petroleum, natural gas or minerals;
 - (k) repair and maintenance equipment sold to or imported by manufacturers or producers for use by them in servicing goods described in paragraphs (a) to (j) that are used by them;
 - (l) parts for goods described in paragraphs (a) to (k);
 - (m) drilling mud and additives therefor;
 - (n) geophysical surveying precision instruments and equipment for use exclusively in prospecting for, or in the exploration and development of, petroleum, natural gas, water wells and minerals, or for geophysical studies for engineering projects, including the following: magnetometers; gravity meters and other instruments designed to measure the elements, variations and distortions of the natural gravitational force; field potentiometers, meggers, non-polarizing electrodes, and electrical equipment for making measurements in drill holes; instruments and equipment for seismic prospecting; geiger muller counters and other instruments for radioactive methods of geophysical prospecting; electrical and electronic amplifying devices and electrical thermostats designed to be used with any of the foregoing; repair parts, tripods and fitted carrying cases for any of the foregoing; and

- (o) articles and materials for use in the manufacture of goods described in paragraphs (a) to (n)

but not including:

- (p) goods for use by persons exempt from payment of consumption or sales tax under subsection (2) of section 34;
- (q) office equipment; or
- (r) motor vehicles except those described in paragraphs (e) and (h).''

Application
and coming
into force.

10. (1) Subject to subsection (2), sections 1 and 2 and sections 5 to 8 of this Act shall be deemed to have come into force on March 30, 1966, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

(2) Section 3 and section 47B of the *Excise Tax Act* as enacted by section 6 of this Act shall come into force on September 1, 1966.

(3) Subsection (3) of section 32 of the *Excise Tax Act* as enacted by section 4 of this Act applies to articles enumerated in Schedule V that are,

- (a) in the case of goods manufactured in Canada, delivered to the purchaser, and
- (b) in the case of goods imported into Canada, imported or taken out of warehouse for consumption,

after March 31, 1967.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 41

An Act to provide for the establishment of a fund for the economic and social development of special rural development areas.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Fund for Rural Economic Development Act*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | |
|--|--|
| (a) "Advisory Board" or "Board" means the Advisory Board established by subsection (1) of section 7; | Definitions.
"Advisory Board" or "Board." |
| (b) "Fund" means the Fund for Rural Economic Development; and | "Fund." |
| (c) "Minister" means the Minister of Forestry. | "Minister." |

FUND FOR RURAL ECONOMIC DEVELOPMENT.

3. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Fund for Rural Economic Development. F.R.E.D. established.

(2) All amounts required to be paid by the Minister under agreements entered into under subsection (1) of section 4 shall be paid by the Minister of Finance out of the Consolidated Revenue Fund from time to time on the requisition of the Minister and charged to the Fund. Payment out of C.R.F.

Limitation.

(3) The amounts that may be paid by the Minister of Finance pursuant to subsection (2) shall not exceed in the aggregate fifty million dollars.

No agreement unless Comptroller certifies.

(4) No agreement under section 4 has any force or effect unless the Comptroller of the Treasury certifies there is a sufficient unencumbered balance in the appropriation authorized by this Act to discharge all financial commitments made by the Minister under such agreement.

COMPREHENSIVE RURAL DEVELOPMENT PROGRAMS.

Agreements for comprehensive rural development programs authorized.

4. (1) The Minister may, on the recommendation of the Advisory Board and with the approval of the Governor in Council, enter into an agreement with any province providing for

- (a) the undertaking jointly with the province or any agency thereof of a comprehensive rural development program in a special rural development area; or
- (b) the payment to the province of contributions in respect of the cost of a comprehensive rural development program in a special rural development area undertaken by the government of the province or any agency thereof.

Idem.

(2) No agreement shall be entered into under this section after the 31st day of March, 1970.

Minister to make use of services, etc., of other departments.

(3) The Minister shall, in carrying out any comprehensive rural development program, make use, wherever possible, of the services and facilities of other departments of the Government of Canada or of any agencies thereof.

Comprehensive rural development program and special rural development area defined.

5. For the purposes of this Act,

- (a) a comprehensive rural development program is a program, consisting of several development projects, that is designed to promote the social and economic development of a special rural development area and to increase income and employment opportunities and raise living standards in the area, and that makes provision for participation by residents of the area in the carrying out of the program; and
- (b) a special rural development area is a predominantly rural area within a province that is designated in an agreement between the province and the Minister under section 4 to be an area of widespread low incomes

resulting from economic and social adjustment problems and that, in the opinion of the Board based on information submitted by the province with respect to physical, economic and social conditions in the area, has a reasonable potential for economic and social development.

TERMS AND CONDITIONS OF AGREEMENTS.

- 6.** Every agreement entered into pursuant to section 4 shall
- Provisions to be included in agreements.
- (a) specify the respective proportions of the cost of any program to which the agreement relates that shall be paid by the Minister and the province, or the contribution in respect of any such program that shall be paid by the Minister, and the times at which such amounts to be paid by the Minister or the province shall be paid;
 - (b) specify the authority that shall be responsible for the undertaking, operation and maintenance of any program or any part thereof to which the agreement relates;
 - (c) specify the respective proportions of the revenues from any program or any part thereof to which the agreement relates that are to be paid to the Minister and the province; and
 - (d) specify the terms and conditions as to the operation and maintenance of any program to which the agreement relates.

ADVISORY BOARD.

7. (1) There shall be an Advisory Board consisting of not more than ten senior officials of departments or agencies of the Government of Canada to be appointed by the Governor in Council to hold office during pleasure.

Establishment of Advisory Board.

(2) The Governor in Council shall appoint one of the members of the Board to be the chairman of the Board.

Chairman.

(3) The Board shall meet at least once a year in the City of Ottawa, and at such other times and places as it deems necessary in order to carry out its duties under this Act.

Meetings.

(4) The Board may make such rules as it deems necessary for the regulation of its proceedings, for the fixing of a quorum for any of its meetings and generally for the conduct of its activities.

Rules of procedure.

Duties of
the Board.

8. (1) The Board shall consider and review each proposal for a comprehensive rural development program submitted to the Minister by a province and shall make recommendations to the Minister with respect to each such program.

Agreements
providing for
payment by
the Minister
not to be
recommended
on certain
programs.

(2) The Board shall recommend that the Minister not enter into an agreement under section 4 providing for the payment of money by him with respect to any program, or any part of any program, that, in the opinion of the Board, can be more appropriately carried out under any other assistance program or can be reasonably carried out without federal assistance.

GENERAL.

Regulations.

9. The Governor in Council may make regulations to provide for any matter concerning which he deems regulations necessary or desirable to carry out the purposes and provisions of this Act.

Report.

10. The Minister shall, as soon as possible after the termination of each fiscal year, and in any event not later than six months after such termination and if Parliament is not then sitting, within fifteen days after its commencement, submit a report to Parliament respecting the operations for that year under this Act.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 42

An Act to provide for the establishment of a Health Resources Fund to assist provinces in the acquisition, construction and renovation of health training facilities and research institutions.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Health Resources Fund Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | Definitions. |
|--|-----------------------------|
| (a) "Advisory Committee" means the Health Resources Advisory Committee established by section 8; | "Advisory Committee." |
| (b) "Fund" means the Health Resources Fund; | "Fund." |
| (c) "health training facility" means a school, hospital or other institution, or any portion thereof, | "Health training facility." |
| (i) for the training of persons in the health professions or in occupations associated with the health professions, or | |
| (ii) for the conducting of research in the health fields, | |
| but does not include residential accommodation; and | |
| (d) "Minister" means the Minister of National Health and Welfare. | "Minister." |

HEALTH RESOURCES FUND.

Fund established.	3. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Health Resources Fund.
Appropriation to Fund.	(2) There is hereby appropriated for the purposes of this Act the sum of five hundred million dollars, to be credited to the Health Resources Fund in such amounts as from time to time are required.
Payment out of Consolidated Revenue Fund.	(3) All amounts to be paid under this Act, other than amounts required for the payment of travelling expenses of members of the Advisory Committee, shall be paid, upon the authorization of the Minister, by the Minister of Finance out of the Consolidated Revenue Fund and charged to the Health Resources Fund.
Period for payments.	(4) No payment shall be made under this Act in respect of any cost incurred in respect of a health training facility prior to January 1st, 1966 or after December 31st, 1980.

CONTRIBUTIONS.

Contributions payable out of Fund.	4. (1) Upon application to the Minister by the government of a province, the Minister may, subject to this Act, authorize the payment to that province of
	(a) a contribution towards the cost of planning or designing any health training facility in that province, not exceeding fifty per cent of the reasonable cost thereof as determined by the Minister; and
	(b) a contribution towards the cost of acquiring, constructing or renovating any building for use as a health training facility in that province, not exceeding fifty per cent of the reasonable cost thereof as determined by the Minister.
Limitation.	(2) Payments made to any province pursuant to subsection (1) shall not exceed in the aggregate
	(a) that proportion of three hundred million dollars that the population of that province, according to the census taken in the year 1966, is of the population of Canada according to that census; and
	(b) such part of one hundred and seventy-five million dollars as may be allocated from time to time to that province by the Governor in Council.

(3) Where the cost of acquiring, constructing or renovating a building for use as a health training facility in a province is to be shared by two or more provinces, the amount of any contribution towards the cost thereof authorized by the Minister pursuant to subsection (1) shall be charged to the Fund as a payment to each of those provinces in such proportion as is agreed upon by those provinces.

Crediting of payments where costs shared by provinces.

5. (1) Upon application to the Minister jointly by the governments of the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, the Minister may, subject to subsection (2), authorize the payment to any of those provinces of a contribution towards the reasonable cost, as determined by the Minister, of acquiring, constructing or renovating any building for use as a health training facility in any of those provinces, which contribution may be in addition to any contribution authorized pursuant to subsection (1) of section 4.

Additional contributions to certain provinces.

(2) Payments made pursuant to subsection (1) shall not exceed in the aggregate twenty-five million dollars.

Limitation.

6. In calculating, for the purposes of sections 4 and 5, the cost of acquiring, constructing or renovating any building for use as a health training facility, there shall not be included

Calculation of costs.

- (a) the cost of any land;
- (b) any amounts paid or payable as interest;
- (c) any amounts paid or payable out of the Consolidated Revenue Fund, pursuant to any other Act, towards the cost of acquiring, constructing or renovating the building for use as a health training facility; or
- (d) any amounts paid or payable by a province or municipality towards the cost of acquiring, constructing or renovating the building for use as a health training facility in fulfillment of any condition on which any amount described in paragraph (c) is or was paid or payable,

but there shall be included the cost of such equipment as is determined by the Minister to be basic equipment necessary for the operation of the health training facility.

7. No payment shall be authorized by the Minister pursuant to section 4 or 5 unless the government of the province making the application has

Conditions.

- (a) submitted to the Minister, and the Advisory Committee has approved, a program for the

development of health training facilities in that province for the next five years and the health training facility in respect of which a contribution is requested is included in that program;

- (b) provided the Minister with such information respecting the health training facility in respect of which a contribution is requested as the Minister may require; and
- (c) undertaken to make available to the Minister such records and information respecting the cost of acquiring, constructing or renovating any building for use as a health training facility in respect of which a contribution is requested as the Minister may from time to time require.

HEALTH RESOURCES ADVISORY COMMITTEE.

Advisory
Committee
established.

8. There shall be a committee to be called the Health Resources Advisory Committee consisting of eleven members, including

- (a) one member appointed by the Lieutenant-Governor in Council of each of the ten provinces; and
- (b) the Deputy Minister of National Health, who shall serve as chairman of the Committee.

Expenses of
member.

9. Members of the Committee shall serve without remuneration but each member is entitled to be paid reasonable travelling expenses incurred by him in the performance of his duties while absent from his ordinary place of residence.

Meetings.

10. (1) The Advisory Committee shall meet at such times and places as the chairman may fix.

Rules.

(2) The Advisory Committee may make such rules as it deems necessary

- (a) for the regulation of its proceedings, including the establishment of special and standing committees of its members, the delegation to such committees of any of its duties and the fixing of quorums for meetings of the Advisory Committee or of its committees; and
- (b) generally, for the conduct of its activities.

Duties of
Advisory
Committee.

11. The Advisory Committee shall
(a) advise the Minister on any program for the development of health training facilities sub-

mitted to the Minister by the government of a province;

- (b) advise the Minister, at his request or on its own initiative, on matters relating to a health training facility in respect of which a province has requested a contribution under this Act, including the reasonable cost thereof; and
- (c) give consideration to and advise the Minister on such matters relating to the operation of this Act as are referred to it by the Minister.

REGULATIONS.

- 12.** The Governor in Council may make regulations Regulations.
- (a) prescribing the times and the manner of payment of contributions by the Minister of Finance under this Act; and
 - (b) generally, for carrying out the purposes and provisions of this Act.

ANNUAL REPORT.

- 13.** The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting operations under this Act for that year. Report to Parliament.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 43

An Act to authorize the Minister of Finance to transfer to the Provinces a proportion of the income tax payable by certain public utility companies.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Public Utilities Income Tax Transfer Act*. Short title.

INTERPRETATION.

- 2.** (1) In this Act,
- (a) "designated corporation" means a corporation whose gross revenue for a taxation year from
- (i) the distribution and sale to the public in Canada, or the generation and sale in Canada for distribution to the public, of electrical energy or steam, or
 - (ii) the distribution and sale of gas to the public in Canada,
- is more than one-half its total gross revenue other than exempt income for the taxation year;
- (b) "distribution and sale to the public" and "generation and sale for distribution to the public" mean, respectively, distribution and sale or generation and sale
- (i) to a person or persons with whom the vendor deals at arm's length, or
- Definitions.
"Designated corporation."

"Distribution and sale to the public" and "generation and sale for distribution to the public."

- (ii) to a person or persons with whom the vendor does not deal at arm's length for resale directly or indirectly to persons with whom the vendor does deal at arm's length; and

"Minister."

- (c) "Minister" means the Minister of National Revenue.

Words and expressions.

(2) Unless otherwise provided, words and expressions used in this Act have the same meaning as in the *Income Tax Act*.

Distribution of gas to the public in Canada.

- (3) For the purposes of this Act,
- (a) gross revenue of a corporation from the distribution and sale of gas
 - (i) in or from portable containers, or
 - (ii) to a person whose main use thereof is other than for heating and lighting purposes,

shall be deemed not to be gross revenue of the corporation from the distribution and sale of gas to the public; and

- (b) a corporation shall be deemed not to have gross revenue for a taxation year from the distribution and sale of gas to the public in Canada if the corporation did not
 - (i) have at least one hundred different customers in Canada who consumed the gas distributed and sold to them by the corporation mainly for heating and lighting purposes, and
 - (ii) derive at least fifty per cent of its total gross revenue other than exempt income for the year from the distribution and sale of gas to such customers.

PAYMENTS TO PROVINCES.

Payments to provinces.

3. (1) The Minister of Finance may pay to a province out of the Consolidated Revenue Fund, at such time or times as he may determine, an amount determined by the Minister in accordance with subsection (2) in respect of the 1966 and each subsequent taxation year of a designated corporation carrying on business in the province.

Determination of amount.

(2) The amount that may be paid to a province under subsection (1) in respect of a taxation year of a designated corporation is 95% of that part of the income tax paid under Part I of the *Income Tax Act* by the corporation for the year that is attributable to its gross revenue for the year from

- (a) the distribution and sale to the public in the province, or the generation and sale in the province for distribution to the public, of electrical energy or steam; or
- (b) the distribution and sale of gas to the public in the province.

(3) The part of the income tax paid under Part I of the *Income Tax Act* by a designated corporation for a taxation year that is attributable to its gross revenue for the year from

Tax attributable to gross revenue from sources.

- (a) the distribution and sale to the public in a province, or the generation and sale in a province for distribution to the public, of electrical energy or steam, or
- (b) the distribution and sale of gas to the public in a province,

shall, for the purposes of this section, be deemed to be that proportion of the income tax paid under Part I of the *Income Tax Act*, by the corporation for the year that its gross revenue for the year from such distribution and sale or generation and sale in the province is of its total gross revenue, other than exempt income, for the year.

4. Where a province certifies that an amount that is all or part of an amount paid to it under this Act has been paid or otherwise transferred or credited to a designated corporation for its own use and benefit, and certifies the amount that has been so paid or otherwise transferred or credited to the corporation, the amount so certified is exempt from income tax.

Amounts certified exempt from income tax.

5. Where part of the 1966 taxation year of a designated corporation is before January, 1966, the amount to be determined by the Minister in accordance with subsection (2) of section 3 in respect of the 1966 taxation year of the corporation is that part of the amount otherwise determined under subsection (2) of section 3 that

Allocation with respect to taxation year 1966.

- (a) the number of days in the taxation year that are after December, 1965
- is of
- (b) the number of days in the taxation year.

REGULATIONS.

6. The Governor in Council may make regulations
- (a) prescribing rules for the determination of any matter to be determined by the Minister under this Act; and

Regulations

- (b) generally to carry out the purposes and provisions of this Act.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 44

An Act to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Superannuation Act, the Diplomatic Service (Special) Superannuation Act, the Inter-colonial and Prince Edward Island Railways Employees' Provident Fund Act and the Canadian Corporation for the 1967 World Exhibition Act.

[Assented to 11th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Statute Law* Short title.
(*Superannuation*) *Amendment Act, 1966.*

PUBLIC SERVICE SUPERANNUATION ACT.

2. (1) Subsection (1) of section 2 of the *Public Service Superannuation Act* is amended by adding thereto, immediately after paragraph (i) thereof, the following paragraph:

“(ia) “provincial pension plan” has the same meaning as in the *Canada Pension Plan*;”

1952-53, c. 47;
1953-54, c. 64;
1955, c. 16;
1956, c. 44;
1960, c. 38;
1965, c. 5.

“Provincial pension plan.”

(2) Paragraph (n) of subsection (1) of section 2 of the said Act is repealed.

1955, c. 16,
s. 1.

(3) Section 2 of the said Act is further amended by adding thereto the following subsection:

“(3) For the purposes of paragraph (ba) of subsection (1) of section 4 and paragraph (e) of subsection (2) of section 7, a person shall be deemed to have

When specified age deemed to be reached.

reached the age of eighteen years at the beginning of the month following the month in which he actually reached that age, and for the purposes of subsection (1a) of section 9, a person shall be deemed to have reached the age of sixty-five years at the beginning of the month following the month in which he actually reached that age."

3. (1) Subsection (1) of section 4 of the said Act is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraph:

"(ba) an employee who has not reached the age of eighteen years unless he was, immediately before the coming into force of this paragraph, a person required by this subsection to contribute to the Superannuation Account and has been employed in the Public Service substantially without interruption since that day,"

1955, c. 16,
s. 2(1).

(2) Paragraph (c) of subsection (1) of section 4 of the said Act is repealed and the following substituted therefor:

"(c) a prevailing rate employee, an employee who is engaged for a term of six months or less or a seasonal employee, unless he has been employed in the Public Service substantially without interruption for a period of more than six months,

(ca) a part-time employee,"

1961, c. 38,
s. 2(2)

(3) Paragraph (f) of subsection (1) of section 4 of the said Act is repealed and the following substituted therefor:

"(f) a sessional employee, a postmaster or assistant postmaster in a revenue post office or a person employed as a clerk of works, a member of the staff of Government House who is paid by the Governor General from his salary or allowance, an employee of a commission that is appointed under Part I of the *Inquiries Act* and added to Part I of Schedule A, unless designated by the Minister individually or as a member of a class,"

(4) Paragraphs (g) and (h) of subsection (1) of section 4 of the said Act are repealed and the following substituted therefor: 1960, c. 38,
s. 2(3).

- “(g) in the case of a male contributor, six and one-half per cent of his salary minus an amount equal to the amount he would be required to contribute under the *Canada Pension Plan* in respect of that salary if that salary, expressed in terms of an annual rate, were the total amount of his income for the year from pensionable employment as defined in that Act and that Act applied to his employment, and
- (h) in the case of a female contributor, five per cent of her salary minus an amount equal to the amount she would be required to contribute under the *Canada Pension Plan* in respect of that salary if that salary, expressed in terms of an annual rate, were the total amount of her income for the year from pensionable employment as defined in that Act and that Act applied to her employment.”

(5) Paragraph (b) of subsection (2) of section 4 of the said Act is repealed and the following substituted therefor:

- “(b) no person who has become entitled to or has been granted any superannuation or pension benefit of a kind specified in the regulations, payable
 - (i) out of the Consolidated Revenue Fund or out of any account or Fund in the Consolidated Revenue Fund other than the Superannuation Account, or
 - (ii) out of or under a superannuation or pension fund or plan pursuant to which contributions have been paid out of the Consolidated Revenue Fund in respect of employees engaged locally outside of Canada,
 shall contribute to the Superannuation Account as required by subsection (1) after that person has to his credit a period of pensionable service totalling thirty-five years less the number of years of service upon which that superannuation or pension benefit is based;”

4. (1) Subparagraph (iii) of paragraph (b) of subsection (1) of section 5 of the said Act is amended by adding thereto, immediately after clause (AB) thereof, the following clauses:

“(AC) any continuous period of full-time service of six months or more as an employee with an international organization specified in the regulations whose salary was paid out of the Consolidated Revenue Fund, if he elects, within one year of becoming a contributor under this Act, to pay for that service,

(AD) any continuous period of full-time service of six months or more in civilian war service of a kind specified in the regulations, if he elects, within one year of becoming a contributor under this Act, to pay for that service,”

(2) Subparagraph (iii) of paragraph (b) of subsection (1) of section 5 of the said Act is further amended by striking out the word “and” at the end of clause (E) thereof and by adding thereto, immediately after clause (E) thereof, the following clause:

“(EA) any period of service in respect of which payment was made to a public service employer or an approved employer under an agreement entered into pursuant to section 28 and in respect of which that contributor subsequently received a return of contributions or other lump sum payment, if he elects, within one year of becoming a contributor under this Act, to pay for that service, and”

(3) An election may be made
(a) under clause (AC) of subparagraph (iii) of paragraph (b) of subsection (1) of section 5 of the said Act as enacted by this section by any person who, on the coming into force of this section, had ceased to be employed in the Public Service, or any person who was a contributor under Part I of the said Act immediately before the coming into force of this section, and

- (b) under clause (AD) or (EA) of subparagraph (iii) of paragraph (b) of subsection (1) of section 5 of the said Act as enacted by this section by any person who was a contributor under Part I of the said Act immediately before the coming into force of this section,

and in their application to such persons clauses (AC), (AD) and (EA) shall be read and construed as though for the expression "within one year of becoming a contributor under this Act" where it appears therein there were substituted the expression "within one year of becoming a contributor under this Act or of the coming into force of this clause".

5. (1) Paragraphs (e) to (f) of subsection (1) of section 6 of the said Act are repealed and the following substituted therefor: 1960 c. 38,
s. 4(2).

"(e) in respect of any period specified in clause (A) of subparagraph (iii) of the said paragraph (b), an amount determined as follows:

- (i) in the case of a person who, immediately prior to his enlistment in the forces, was employed in the Public Service on a full-time basis, an amount equal to the amount that he would have been required to contribute during the period of his service in the forces had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of a salary at the rate authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest, and
- (ii) in the case of a person who was not, immediately prior to his enlistment in the forces, employed in the Public Service on a full-time basis, an amount equal to twice the amount that he would have been required to contribute during the period of his service in the forces had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of a salary at the rate authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest;

(ea) in respect of any period specified in clause (AA) of subparagraph (iii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4, in respect of that period or that portion thereof,

in respect of a salary at the rate authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest;

(f) in respect of any period specified in clause (AB), (AC), (AD), (B) or (EA) of subparagraph (iii) of the said paragraph (b), an amount equal to twice the amount that he would have been required to contribute had he, during that period, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4, in respect of that period or that portion thereof,

in respect of a salary at the rate authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest;"

(2) Subsection (1) is applicable to elections made after 1965, except that in the case of an election made in the year 1966, or in the case of an election made in the year 1967 by a person who was a contributor on December 31, 1966, paragraphs (e) to (f) of subsection (1) of section 6 of the said Act shall be read as follows:

- “(e) in respect of any period specified in clause (A) of subparagraph (iii) of the said paragraph (b), an amount determined as follows:
- (i) in the case of a person who, immediately prior to his enlistment in the forces, was employed in the Public Service on a full-time basis, an amount equal to the amount that he would have been required to contribute during the period of his service in the forces had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of a salary at the rate authorized to be paid to him at the time he left his employment in the Public Service to enlist, together with interest, and
 - (ii) in the case of a person who was not, immediately prior to his enlistment in the forces, employed in the Public Service on a full-time basis, an amount equal to twice the amount that he would have been required to contribute during the period of his service in the forces had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of a salary at the initial rate authorized to be paid to him upon subsequently becoming employed in the Public Service, together with interest;
- (ea) in respect of any period specified in clause (AA) of subparagraph (iii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute
- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
 - (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4, in respect of that period or that portion thereof,

in respect of a salary equal to the salary authorized to be paid to him during that period, together with interest;

(eb) in respect of any period specified in clause (EA) of subparagraph (iii) of the said paragraph (b), an amount equal to the total amount paid to a public service employer or an approved employer in respect of the contributor's service during that period plus any amount paid to the contributor by way of a return of contributions at the time he ceased to be employed in the Public Service to become employed by that public service employer or approved employer, together with simple interest at the rate of four per cent per annum on the amounts so paid from the time of payment until the time of the contributor's election;

(f) in respect of any period specified in clause (AB), (AC), (AD) or (B) of subparagraph (iii) of the said paragraph (b), an amount equal to twice the amount that he would have been required to contribute had he, during that period, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4, in respect of that period or that portion thereof,

in respect of a salary at the initial rate authorized to be paid to him upon subsequently becoming employed in the Public Service together with interest."

1960, c. 38,
s. 4(2).

(3) Paragraph (i) of subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

"(i) notwithstanding anything in paragraphs (a) to (h) of this subsection, in respect of any period described in clause (E) of subparagraph (iii) of the said paragraph (b), an amount equal to the amount that he would have been required

to contribute if he had elected under this Act, within the time prescribed for the making of the election, to pay for that period, and if during that period the rate of the salary authorized to be paid to him had been equal to the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest;"

(4) Subsection (3) is applicable to elections made after 1965, except that in the case of elections made in 1966, or in the case of an election made in the year 1967 by a person who was a contributor on December 31, 1966, paragraph (i) of subsection (1) of section 6 of the said Act shall be read as it read on December 31, 1965.

6. (1) Subsection (2) of section 7 of the said Act is amended by striking out the word "or" at the end of paragraph (c) thereof, by repealing paragraph (d) thereof and by substituting therefor the following paragraphs: 1960, c. 38,
s. 5(2).

"(d) any period of service of less than ninety days as defined by the regulations unless it is service that may be counted under clause (E) of subparagraph (iii) of paragraph (b) of subsection (1) of section 5, or

(e) any period of service after 1965 and prior to the day on which the elector reached the age of eighteen years."

(2) Section 7 of the said Act is further amended by adding thereto the following subsection:

"(8) Where any amount has been paid in error under this Act on account of any annuity or annual allowance, the Minister may retain by way of deduction from any subsequent payments of that annuity or annual allowance, in the manner prescribed by the regulations, an amount equal to the amount paid in error, without prejudice to any other recourse available to Her Majesty with respect to the recovery thereof." Recovery of
annuity paid
in error.

7. (1) The said Act is further amended by adding thereto, immediately after section 7 thereof, the following section:

Calculation
of time for
making of
certain
elections.

"7A. For the purposes of sections 5 and 25 the year within which a contributor may elect to count any service described in those sections as pensionable service for the purposes of this Act shall be deemed to end one year from the day on which written notice is sent by or on behalf of the Minister to that contributor informing him that he has become a contributor under this Act."

(2) Subsection (1) is applicable only to elections made by persons who become contributors under the said Act on or after the coming into force of this section.

8. (1) Paragraph (a) of subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

"(a) "annuity" means an annuity computed in accordance with section 9;"

1960, c. 38,
s. 6(1).

(2) Paragraph (d) of subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

"(d) "cash termination allowance" means an amount equal to one month's pay for each year of pensionable service computed on the basis of the rate of salary authorized to be paid to the contributor

(i) at the time he ceases to contribute to the Superannuation Account, or

(ii) in the case of a contributor who continues to be employed in the Public Service after having ceased to contribute to the Superannuation Account pursuant to paragraph (a) or (b) of subsection (2) of section 4, at the time he ceases to be employed in the Public Service,

minus an amount equal to the amount by which

(iii) the total amount the contributor would have been required to contribute to the Superannuation Account up to the time he ceases to be employed in the Public Service (other than interest or charges for payments by instalments) in respect of service after 1965, if he had contributed on

the basis of the rates set forth in subsection (1) of section 4 as it read on December 31, 1965,

exceeds

(iv) the total amount the contributor was required to contribute to the Superannuation Account up to the time he ceases to be employed in the Public Service (other than interest or charges for payments by instalments) in respect of service after 1965; and"

(3) Paragraph (c) of subsection (4) of section 8 of the said Act is repealed and the following substituted therefor: 1960, c. 38, s. 6(3).

"(c) if, without having exercised or been deemed to have exercised the option, he becomes re-employed in the Public Service, he ceases to be entitled to exercise the option until such time as he ceases to be so re-employed, unless before that time he becomes, or would have become, but for subsection (2) of section 4, a contributor under this Act, in which case the period on which that benefit was based (except any such period specified in clause (C) or (D) of subparagraph (iii) of paragraph (a) of subsection (1) of section 5) shall be counted as pensionable service for the purposes of subsection (1) of section 5."

(4) Section 8 of the said Act is further amended by adding thereto the following subsection:

"(5) Where a contributor who is entitled under section 10 or 11 to a return of contributions becomes re-employed in the Public Service and a contributor under this Act before those contributions have been paid to him, the period of pensionable service to which such contributions relate (except any such period specified in clause (C) or (D) of subparagraph (iii) of paragraph (a) of subsection (1) of section 5) shall be counted as pensionable service for the purposes of this Act, and the amount of those contributions shall, in lieu of being paid to him, be applied in payment of or on account of the amount required by this Act to be paid by him for that service."

Contributor re-employed before return of contributions paid to him.

9. (1) Section 9 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsections:

Deduction
from annuity.

“(1a) Notwithstanding subsection (1), where a contributor

(a) has reached the age of sixty-five years and has ceased to be employed in the Public Service, or

(b) has become entitled to a disability pension payable under paragraph (b) of subsection (1) of section 44 of the *Canada Pension Plan* or a provision of a provincial pension plan similar thereto, or would have become entitled thereto if he had applied therefor,

there shall be deducted from the amount of any annuity to which that contributor is entitled under this Act an amount equal to thirty-five per cent of

(c) the average annual salary received by the contributor during the period of pensionable service described in subsection (1) applicable to him, not exceeding his Average Maximum Pensionable Earnings,

multiplied by

(d) the number of years of pensionable service after 1965 to the credit of the contributor not exceeding thirty-five, divided by fifty.

Definitions.
“Average
Maximum
Pensionable
Earnings.”

(1b) For the purposes of subsection (1a),

(a) “Average Maximum Pensionable Earnings” means with respect to any contributor, the average of the Year’s Maximum Pensionable Earnings for the year in which the deduction referred to in subsection (1a) is required to be made from his annuity and for each of the two preceding years; and

“Year’s
Maximum
Pensionable
Earnings.”

(b) “Year’s Maximum Pensionable Earnings” has the same meaning as in the *Canada Pension Plan*.

Circum-
stances
where
annuity to be
increased.

(1c) Where a person who was a contributor on December 31, 1965, and who has been employed in the Public Service substantially without interruption since that day has become entitled to an immediate annuity under this Act and

(a) the amount of that annuity, together with such amount as is determined in accordance with the regulations to be the amount of any retirement or disability pension to which that person is entitled under the *Canada Pension Plan* or a provincial pension plan (or to which he would

be entitled thereunder if he applied therefor and in the case of a retirement pension, it had not been commuted), that is attributable to contributions made thereunder in respect of his employment in the Public Service,

is less than

- (b) the amount of the annuity to which he would have been entitled under this Act if no deduction was made as required under subsection (1a),

the amount of the annuity payable to him under this Act shall, upon application therefor by him in the manner prescribed by the regulations, be increased by the amount of the difference effective from such day as is determined in accordance with the regulations.

(1d) Subsection (1c) does not apply to a person described therein during any period that a retirement pension is not payable to him or is reduced by virtue of section 68 or 69 of the *Canada Pension Plan* or a provision of a provincial pension plan similar thereto.” Exception.

(2) Subsection (1) shall come into force on the 1st day of January, 1967, except that in its application to a contributor to whom an annuity under the said Act is payable at any time in the years 1967, 1968 or 1969, paragraph (a) of subsection (1a) of section 9 of the said Act, as enacted by this section, shall be read and construed as though for the expression “has reached the age of sixty-five years” where it appears therein there were substituted

- (a) for the year 1967, the expression “has reached the age of sixty-eight years”,
- (b) for the year 1968, the expression “has reached the age of sixty-seven years”, and
- (c) for the year 1969, the expression “has reached the age of sixty-six years”,

and for the purposes of that paragraph, a contributor shall be deemed to have reached the age of sixty-six, sixty-seven or sixty-eight years, as the case may be, at the beginning of the month following the month in which he actually reached that age.

(3) Where in the year 1967 a deduction is required to be made under subsection (1a) of section 9 of the said Act, as enacted by this section, the reference in paragraph (a) of subsection (1b) of section 9 of the said Act, as enacted by this section, to two preceding years shall be construed as a reference to one preceding year.

(4) Paragraph (c) of subsection (2) of section 9 of the said Act is amended by striking out the word “or” at the end of subparagraph (i) thereof, by adding the word “or”

at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

“(iii) of service of a kind described in clause (AB), (AC) or (AD) of subparagraph (iii) of paragraph (b) of subsection (1) of section 5;”

(5) Subsection (4) shall be deemed to have come into force on the 14th day of July, 1960.

(6) Paragraph (d) of subsection (2) of section 9 of the said Act is repealed and the following substituted therefor:

“(d) a contributor who is absent from the Public Service on leave of absence without pay and who contributes in respect of that absence in accordance with the regulations is deemed to have received during such period a salary at a rate as prescribed in the regulations;

(da) where a person has to his credit pensionable service that includes any period of service for which he elected or might have elected under this Act to pay an amount calculated on the basis of his salary at the rate authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, he shall be deemed to have received during that period a salary at that rate, notwithstanding paragraphs (b) and (c);”

10. (1) All that portion of subsection (1) of section 10 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Contributors
with less
than five
years of
pensionable
service.

“**10.** (1) The following provisions are applicable in respect of any contributor described in subsection (2), namely:”

(2) Paragraph (a) of subsection (1) of section 10 of the said Act is amended by adding the word “or” at the end of subparagraph (i) thereof, by repealing subparagraphs (ii) and (iii) thereof and by substituting therefor the following subparagraph:

“(ii) either a cash termination allowance or a return of contributions, whichever is the greater,”

(3) Paragraph (c) of subsection (1) of section 10 of the said Act is repealed and the following substituted therefor:

“(c) if he becomes disabled, not having reached sixty years of age but having become entitled to a deferred annuity, he ceases to be entitled to that deferred annuity and becomes entitled to an immediate annuity; and”

(4) Subsection (2) of section 10 of the said Act is repealed and the following substituted therefor:

“(2) For the purposes of subsection (1), a contributor described in this subsection is any contributor who Contributor defined.

- (a) having been a contributor under Part I of the *Superannuation Act* immediately prior to the 1st day of January, 1954, and having been employed in the Public Service substantially without interruption thereafter, has to his credit less than five years of pensionable service;
- (b) having to his credit more than thirty years of service upon which a superannuation or pension benefit of a kind described in paragraph (b) of subsection (2) of section 4 is based, has to his credit less than five years of pensionable service;
- (c) having had to his credit more than five years of pensionable service, has, on ceasing to be employed in the Public Service in order to become employed by an approved employer, less than five years of pensionable service remaining to his credit for which no further contributions are required and that he is unable to count as pensionable service for the purposes of the superannuation or pension fund or plan of that approved employer; or
- (d) having had to his credit more than five years of pensionable service, has, on ceasing to be employed in the Public Service in order to become a member of the regular forces or of the Force, less than five years of pensionable service remaining to his credit that he is unable to count as pensionable service for the purposes of the *Canadian Forces Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*.

(2a) A contributor, other than a contributor described in subsection (2), who has to his credit less

than five years of pensionable service, is entitled, upon ceasing to be employed in the Public Service, to a return of contributions."

(5) Subsection (4) of section 10 of the said Act is repealed and the following substituted therefor:

Idem.

"(4) Notwithstanding subsection (5), upon the death of a contributor who at the time of his death was a contributor described in paragraph (a) or (b) of subsection (2), his widow and children are entitled to the annual allowances to which they would have been entitled under subsection (3) had the contributor, immediately prior to his death, become entitled under subsection (1) to an immediate annuity or a deferred annuity."

11. (1) Paragraphs (b) to (d) of subsection (1) of section 11 of the said Act are repealed and the following substituted therefor:

"(b) if he ceases to be employed in the Public Service, not having reached sixty years of age, by reason of having become disabled, he is entitled to

- (i) an immediate annuity, or
- (ii) either a cash termination allowance or a return of contributions, whichever is the greater,

at his option, except that if he has reached the age of forty-five years and has to his credit not less than ten years of pensionable service, he is not entitled to an amount as described in subparagraph (ii) in respect of any period of pensionable service after such day as may be fixed by the Governor in Council;

(c) if he ceases to be employed in the Public Service, not having reached sixty years of age, for any reason other than disability or misconduct, he is entitled to

- (i) a deferred annuity,
- (ii) an annual allowance, payable
 - (A) immediately, in the case of a contributor fifty or more years of age, or
 - (B) upon reaching fifty years of age, in the case of a contributor less than fifty years of age,

if he has to his credit twenty or more years of pensionable service, or, with the consent of the Minister, if he has to his

credit less than twenty years of pensionable service, which allowance shall be the actuarial equivalent as determined in accordance with the regulations, of the deferred annuity referred to in subparagraph (i), or

- (iii) a return of contributions, at his option, except that if he has reached the age of forty-five years and has to his credit not less than ten years of pensionable service, he is not entitled to a return of contributions in respect of any period of pensionable service after such day as may be fixed by the Governor in Council;
- (d) if he becomes disabled, not having reached sixty years of age but having become entitled to
 - (i) a deferred annuity, he ceases to be entitled to that deferred annuity and becomes entitled to an immediate annuity, or
 - (ii) an annual allowance, he ceases to be entitled to that annual allowance and becomes entitled to an immediate annuity, which shall be adjusted in accordance with the regulations to take into account the amount of the annual allowance he has received; and"

(2) Subsections (4) and (5) of section 11 of the said Act are repealed and the following substituted therefor: 1960, c. 38,
s. 9.

"(4) Notwithstanding anything in this section, a contributor (other than a contributor described in paragraph (c) of subsection (4) or subsection (5) of section 8 or a contributor who has made an election under subsection (5) of section 25) who voluntarily retires from the Public Service, not having been employed therein substantially without interruption for a period of two years immediately before his retirement from the Public Service, is entitled only to a return of contributions. Voluntary
retirement
of contrib-
utor.

(5) For the purposes of subsection (4), in calculating the period during which a contributor has been employed in the Public Service, there shall be included any period of service of the contributor Idem.

- (a) as a member of the regular forces or as a member of the Force, or
- (b) with a public service employer or an approved employer with whom the Minister has entered into an agreement pursuant to section 28, that

the contributor is, pursuant to the agreement, entitled to count as pensionable service for the purposes of this Act,

that is within a period of two years immediately before his retirement from the Public Service.

Where annual allowance to be adjusted.

(6) Where a contributor described in paragraph (c) of subsection (1) who was receiving an annual allowance payable under this Act is subsequently re-employed in the Public Service, the amount of any annuity or annual allowance to which that contributor may become entitled under this Act on again ceasing to be employed in the Public Service shall be adjusted in accordance with the regulations to take into account the amount of the annual allowance he has received."

12. Subsection (3) of section 13 of the said Act is repealed and the following substituted therefor:

Death within one year after marriage.

"(3) Notwithstanding anything in this Act, where a contributor dies within one year after his marriage, no annual allowance is payable to his widow or the children of that marriage if the Minister is not satisfied that the contributor was at the time of his marriage in such a condition of health as to justify him in having an expectation of surviving for at least one year thereafter."

13. Section 15 of the said Act is repealed and the following substituted therefor:

Disability payments.

"**15.** Where a contributor who

(a) is less than sixty years of age, and

(b) is in receipt of an annuity payable under this Act in respect of a disability previously incurred by him,

is certified, in accordance with the regulations, to have regained his health or to be capable of performing the duties of his former position in the Public Service or any other position in the Public Service commensurate with his qualifications, he ceases to be entitled to that annuity and thereupon is entitled to a deferred annuity."

1960, c. 38,
s. 11(1).

14. Paragraph (a) of section 16 of the said Act is repealed and the following substituted therefor:

"(a) if that person is re-employed in the Public Service but does not become a contributor under this Act, whatever right or claim that he

may have to payment of the said annuity, annual allowance or adjusted annual allowance shall, with respect to any period of three months, commencing on the 1st day of January, April, July or October in any year, during which he is at any time so re-employed, be suspended to the extent that the total amount of the salary authorized to be paid to him during that period of three months exceeds the amount by which

(i) three times the salary authorized to be paid to him in respect of his last full month of service in the Public Service before he became entitled to the annuity, annual allowance or adjusted annual allowance, exceeds

(ii) the total amount of the annuity, annual allowance or adjusted annual allowance that would have been payable to him during that period of three months if he had not been so re-employed;"

15. (1) All that portion of subsection (1) of section 18 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 1955, c. 16,
s. 9(1).

"18. (1) Subject to subsection (3) but notwithstanding anything else in this Act, any election, other than an election made under subsection (5) of section 25, made by a person who becomes a contributor under this Act" Medical
examination
requirements.

(2) Paragraph (b) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor:

"(b) not having been employed in the Public Service, or in the Public Service and as a member of the regular forces or of the Force, substantially without interruption for a period of five years immediately prior to the making of the election,"

(3) This section shall be deemed to have come into force on the 14th day of July, 1960.

1960, c. 38,
s. 17(1).

16. (1) Paragraph (b) of subsection (1) of section 25 of the said Act is repealed and the following substituted therefor:

“(b) in the case of service for which, by the *Canadian Forces Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that service or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that service or that portion thereof,

in respect of a salary at the rate equal to the rate authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest, as defined in subsection (2) of section 6.”

(2) Subsection (1) is applicable to elections made after 1965, except that in the case of an election made in the year 1966, or in the case of an election made in the year 1967 by a person who was a contributor on December 31, 1966, paragraph (b) of subsection (1) of section 25 of the said Act shall be read as follows:

“(b) in the case of service for which, by the *Canadian Forces Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that service or that portion thereof, and

- (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that service or that portion thereof,

in respect of a salary at a rate equal to the rate authorized to be paid to him during that period, together with interest, as defined in subsection (2) of section 6."

(3) Subsection (1) of section 25 of the said Act is further amended by striking out the word "and" at the end of paragraph (a) thereof, by adding the word "and" at the end of paragraph (b) thereof and by adding thereto the following paragraph:

"(c) notwithstanding paragraph (a), in the case of service for which, by the *Canadian Forces Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was required to pay, and in respect of which he has received an amount by way of a return of contributions or a cash termination allowance, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute

- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that service or that portion thereof, and

- (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that service or that portion thereof,

in respect of a salary at a rate equal to the rate authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest, as defined in subsection (2) of section 6."

(4) Subsection (2) of section 25 of the said Act is repealed and the following substituted therefor:

1960, c. 38,
s. 17(1).

"(2) For the purposes of this Act, the salary deemed to have been received by a person to whom subsection (1) applies, during any period of service of the kind

Salary
deemed
to have been
received.

described in paragraph (a), (b) or (c) of subsection (1), is a salary at a rate equal to the rate of salary on the basis of which the amount required to be paid for that period of service

- (a) by the *Canadian Forces Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, in the case of service of the kind described in paragraph (a) of subsection (1), or
 - (b) by this Act, in the case of service of the kind described in paragraph (b) or (c) of subsection (1),
- was determined."

(5) Section 25 of the said Act is further amended by adding thereto the following subsection:

Idem.

"(7) Upon the making of an election under this section whereby the person so electing is required to pay for any period of service of the kind described in paragraph (c) of subsection (1), there shall be charged to the account in the Consolidated Revenue Fund maintained pursuant to the *Canadian Forces Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, and credited to the Superannuation Account in respect of that person, an amount equal to the amount of any return of contributions received by that person under that Act."

(6) Subsections (3) to (5) shall come into force on the 1st day of January, 1967, and shall be applicable only to persons who become contributors on or after that day.

1960, c. 38,
s. 18.

17. (1) Paragraphs (a) and (b) of subsection (2) of section 27 of the said Act are repealed and the following substituted therefor:

- "(a) in the case of a male person, six and one-half per cent of his salary minus an amount equal to the amount he would be required to contribute under the *Canada Pension Plan* in respect of that salary if that salary, expressed in terms of an annual rate, were the total amount of his income for the year from pensionable employment as defined in that Act and that Act applied to his employment; and

- (b) in the case of a female person, five per cent of her salary minus an amount equal to the amount she would be required to contribute under the *Canada Pension Plan* in respect of that salary if that salary, expressed in terms of an annual rate, were the total amount of her income for the year from pensionable employment as defined in that Act and that Act applied to her employment."

(2) All that portion of subsection (4) of section 27 of the said Act following paragraph (b) thereof is repealed and the following substituted therefor:

"he is entitled to be paid any amount to his credit in the Retirement Fund unless before it is paid to him he becomes a contributor under this Act."

18. (1) Subsection (1) of section 28 of the said Act is repealed and the following substituted therefor: 1960, c. 38, s. 19.

"**28.** (1) In this section, "approved employer" means an employer for the benefit of whose employees there is an established superannuation or pension fund or plan approved by the Minister for the purposes of this Act, and includes the administrator of any such superannuation or pension fund or plan established for those employees." "Approved employer" defined.

(2) Subsection (4) of section 28 of the said Act is repealed and the following substituted therefor:

"(4) No payment shall be made pursuant to subsection (3) except with the consent in writing of the contributor Consent of contributor.

(4a) Where, pursuant to subsection (3), the Minister makes a payment to an approved employer in respect of an employee, that employee ceases to be entitled to any benefit under this Act in respect of the period of pensionable service to which that payment relates. No benefit payable in respect of transferred contributions.

(4b) Where

(a) the amount paid by the Minister to an approved employer pursuant to subsection (3) in respect of an employee, Payment of balance to contributor.

together with

(b) the amount determined by the Minister as having been paid into the Superannuation

Account in respect of that employee and in respect of which that employee is or may become entitled to a benefit under this Act,

is less than

- (c) the amount determined by the Minister as being the total amount paid into the Superannuation Account by and in respect of that employee,

the Minister may pay to that employee an amount not exceeding that difference."

(3) Wherever in section 28 of the said Act the term "public service employer" is used, there shall in each and every case be substituted the term "approved employer".

1955, c. 16,
s. 12(1).

19. (1) Paragraph (d) of subsection (1) of section 30 is repealed and the following substituted therefor:

"(d) prescribing, notwithstanding subsection (1) of section 4, the rates at which, the manner in which, and the circumstances under which persons who are required to contribute to the Superannuation Account in accordance with subsection (1) of section 4 but who are or have been, either before or after the coming into force of this paragraph, absent from the Public Service on leave of absence without pay shall contribute to the Superannuation Account in respect of that absence, and prescribing the salaries such persons are deemed to have received during that absence;"

1956, c. 44,
s. 6(1).

(2) Paragraph (fa) of subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

- "(fa) specifying the circumstances under which any service prior to becoming employed in the Public Service or to enlistment in the forces shall be deemed to be service immediately prior thereto;
- (fb) specifying the international organizations service with which may be counted by a contributor as elective service and the kinds of civilian war service that may be counted by a contributor as elective service for the purposes

of clauses (AC) and (AD) of subparagraph (iii) of paragraph (b) of subsection (1) of section 5, respectively;"

(3) Paragraph (i) of subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

- "(i) respecting the manner in which amounts referred to in subsection (7) or (8) of section 7 may be recovered from any annuity or annual allowance payable under this Act;
- (ia) respecting the determination, for the purposes of subsection (1c) of section 9, of the amount of any retirement or disability pension to which a person described therein is or would be entitled under the *Canada Pension Plan* or a provincial pension plan that is attributable to contributions made thereunder in respect of his employment in the Public Service, prescribing the manner of making any application referred to in that subsection and respecting the determination of the day from which the annuity payable to a contributor described therein shall be increased;"

(4) Subsection (1) of section 30 of the said Act is further amended by adding thereto, immediately after paragraph (l) thereof, the following paragraphs:

- "(la) specifying, for the purposes of paragraph (d) of subsection (1) and subsection (6) of section 11, the method by which the amount of any annuity or annual allowance payable to a contributor described in paragraph (c) or (d) of subsection (1) of section 11 shall be adjusted;
- (lb) determining, for the purposes of this Act, the amount that shall be deemed to be the salary of a contributor who is in receipt of more than one salary in respect of employment in the Public Service or whose salary during any period he was employed in the Public Service cannot be determined;
- (lc) prescribing, in respect of a contributor who is receiving or will be entitled to receive a superannuation or pension benefit based upon a portion of a period of service in pensionable

employment that is prior to his becoming employed in the Public Service, the method of determining the portion of that period of service;

- (ld) prescribing the period within which and the procedure by which any person dissatisfied with any decision or direction made by the Minister under paragraph (c) of subsection (1) of section 11, section 12 or subsection (3) of section 13 may appeal that decision or direction to the Treasury Board and authorizing the Treasury Board to make any decision or direction in relation thereto that might have been made by the Minister under those provisions;”

20. The Governor in Council may make regulations

- (a) determining, notwithstanding the *Public Service Superannuation Act*, the circumstances under which and the manner and rate at which a person who elected under the *Civil Service Superannuation Act* to count all prior service in the Civil Service, which service was not counted through no fault on the part of that person, may pay for any part of that service or be deemed to have elected to pay for only that part of that service that was counted and to have paid therefor; and
- (b) prescribing the terms and conditions on which the period during which any employee of the Post Office Department was absent from duty between July 21st and August 8th, 1965, may be counted as pensionable service for the purposes of the *Public Service Superannuation Act*, and determining for the purposes of that Act the salary of that employee during that period.

1965, c. 5.
s. 1.

21. (1) Subsection (2) of section 32 of the said Act is repealed and the following substituted therefor:

Salary
increase
credit.

“(2) There shall be credited to the Superannuation Account, following the authorization of any salary increase applicable to at least one per cent of those persons employed in the Public Service who are contributors, such amount as, in the opinion of the Minister, is necessary to provide for the increase in the cost to Her Majesty of the benefits payable under this Act as a result of such salary increase, and the amount so

credited shall be charged to the Consolidated Revenue Fund in five equal annual instalments commencing in the fiscal year in which the salary increase is authorized.

(3) Following the laying before Parliament of any actuarial report described in section 33, there shall be credited to the Superannuation Account such amount as, in the opinion of the Minister, together with the amount then to the credit of the said Account, is required to meet the cost of the benefits payable under this Act and the amount so credited shall be charged to the Consolidated Revenue Fund in five equal annual instalments commencing in the fiscal year in which the report is laid before Parliament."

Amount to be credited on basis of actuarial report.

(2) This section shall be deemed to have come into force on the 1st day of January, 1966.

22. (1) Paragraph (a) of subsection (1) of section 39 of the said Act is repealed and the following substituted therefor:

1960, c. 38,
s. 21(1).

"(a) "basic benefit" with respect to a participant means the salary of the participant if it is a multiple of two hundred and fifty dollars or the nearest multiple of two hundred and fifty dollars above the salary of the participant if it is not a multiple of two hundred and fifty dollars, subject to a reduction, to be made as of such time as the regulations prescribe, of one-tenth of that amount for every year of age in excess of sixty attained by the participant, except that

"Basic benefit."

(i) in the case of a participant who is employed in the Public Service, the basic benefit shall be not less than

(A) one-sixth of his salary if such one-sixth is a multiple of two hundred and fifty dollars, or the nearest multiple of two hundred and fifty dollars above one-sixth of his salary if such one-sixth is not a multiple of two hundred and fifty dollars, or

(B) five hundred dollars,
whichever is the greater, and

(ii) in the case of an elective participant who, upon ceasing to be employed in the Public Service or to be a member of the regular forces, was entitled under Part I to an immediate annuity, the basic benefit shall be not less than five hundred dollars;"

(2) Paragraph (d) of subsection (1) of section 39 of the said Act is repealed and the following substituted therefor:

“Elective.”

“(d) “elective” as applied to a participant means that the participant comes within subparagraph (iii) or (iv) of paragraph (e);”

1960, c. 38,
s. 21(2).

(3) Subparagraphs (iii) to (v) of paragraph (e) of subsection (1) of section 39 of the said Act are repealed and the following substituted therefor:

“(iii) a person not coming within subparagraph (i) or (ii) who has made an election under section 40 and continues to contribute under this Part, and

(iv) a person not coming within subparagraph (i), (ii) or (iii) who has made an election under section 40 and to whom the basic benefit in the amount of five hundred dollars referred to in paragraph (a) applies without contribution under this Part by him therefor,”

(4) Paragraphs (g) and (h) of subsection (1) of section 39 of the said Act are repealed and the following substituted therefor:

“Regular
forces par-
ticipant.”

“(h) “regular forces participant” means a person who is a participant under Part III of the *Canadian Forces Superannuation Act*,”

(5) Paragraph (i) of subsection (1) of section 39 of the said Act is repealed and the following substituted therefor:

“Salary.”

“(i) “salary” means

(i) in the case of a participant employed in the Public Service, the compensation received for the performance of the regular duties of his position or office in the Public Service, expressed in terms of an annual rate, except that where a retroactive increase is authorized in the compensation of such participant, such increase shall be deemed to have commenced to have been received by him on such day as the regulations prescribe, and

- (ii) in the case of an elective participant, his salary in the Public Service at the time he ceased to be employed in the Public Service, expressed in terms of an annual rate;"

(6) Subsection (4) of section 39 of the said Act is repealed and the following substituted therefor:

- "(4) For the purposes of sections 40 and 42,
 (a) in calculating the period during which a person has been employed in the Public Service, any service of that person as a member of the regular forces shall be deemed to be employment in the Public Service; and
 (b) in calculating the period during which a person has been a participant under this Part, any period during which that person was a regular forces participant under this Part prior to the coming into force of this subsection or under Part III of the *Canadian Forces Superannuation Act* shall be included."
- Service in regular forces to be counted.

23. (1) Subsection (1) of section 40 of the said Act is repealed and the following substituted therefor: 1956, c. 44, s. 7(1).

"**40.** (1) A participant who is employed in the Public Service and has been so employed substantially without interruption for five years or more or has been a participant under this Part without interruption for five years or more may, within one year before such time as he ceases to be employed in the Public Service, elect to continue to be a participant under this Part after that time."

Election to continue as participant.

(2) All that portion of subsection (2) of section 40 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 1956, c. 44, s. 7(1).

"(2) A person who ceases to be employed in the Public Service and at the time he ceases to be so employed is a participant who has been employed in the Public Service substantially without interruption for five years or more or has been a participant under this Part without interruption for five years or more,"

Idem.

1960, c. 38,
s. 22(1).

(3) Paragraph (b) of subsection (2) of section 40 of the said Act is repealed and the following substituted therefor:

“(b) may, within that period of thirty days, elect to continue to be a participant under this Part after the expiration of that period, and shall, if upon ceasing to be so employed he is entitled under Part I to an immediate annuity, be deemed so to have elected within that period to continue to be a participant under this Part after the expiration of that period.”

(4) Section 40 of the said Act is further amended by adding thereto the following subsection:

When regular
forces partici-
pant deemed
participant.

“(4) Notwithstanding anything in this Part, a participant who becomes a regular forces participant ceases to be a participant under this Part, but if on ceasing to be a regular forces participant he is not entitled to an annuity under the *Canadian Forces Superannuation Act* and is entitled to an immediate annuity under Part I, he shall be deemed to have elected under subsection (1) to continue to be a participant under this Part.”

(5) Where, prior to the coming into force of this section, a person who was an elective regular forces participant under Part II of the said Act became a public service participant under that Part and on ceasing to be such a participant was not entitled to an immediate annuity under Part I of the said Act but was entitled under the *Canadian Forces Superannuation Act* or the *Defence Services Pension Continuation Act* to an annuity or pension, he shall, subject to such terms and conditions as are prescribed by the Governor in Council, be deemed to have elected to continue to be a participant under Part II of the said Act.

1956, c. 44,
s. 7(1);
1960, c. 38,
ss. 23, 24.

24. Sections 41 and 41A of the said Act are repealed and the following substituted therefor:

Elections to
reduce
benefit.

“**41.** (1) Where the basic benefit of an elective participant who, upon ceasing to be employed in the Public Service, was entitled under Part I to an immediate annuity, exceeds five hundred dollars, the amount thereof shall, if the participant so elects, be reduced to five hundred dollars.

Idem.

(2) An election made under this section is irrevocable.”

25. Section 43 of the said Act is amended by adding thereto the following subsection:

“(3) Notwithstanding subsection (1), in calculating the benefit payable under subsection (1) on the death of a person who was an elective public service participant immediately before the coming into force of this subsection and who continued to be an elective participant until the time of his death, “basic benefit” means the basic benefit referred to in paragraph (a) of subsection (1) of section 39 as it read immediately prior to the coming into force of this subsection.”

Benefits to certain participants continued.

26. Subsections (2) and (3) of section 45 of the said Act are repealed and the following substituted therefor:

1960, c. 38, s. 27(2).

“(2) Benefits shall be paid out of the Consolidated Revenue Fund and charged against the Public Service Death Benefit Account.”

How benefit to be charged.

27. Sections 48 and 49 of the said Act are repealed and the following substituted therefor:

“**48.** The Minister shall lay before Parliament at least once in every five years an actuarial report on the state of the Public Service Death Benefit Account containing an estimate of the extent to which the amounts standing to the credit of the Account and the contributions payable under this Part are sufficient to meet the benefits chargeable against the Account.

Actuarial report.

49. The Minister shall lay before Parliament each year a report on the administration of this Part during the preceding fiscal year, including a statement showing the amounts that during such year were credited to or charged against the Public Service Death Benefit Account.”

Annual report.

28. (1) Paragraph (g) of subsection (1) of section 50 of the said Act is repealed and the following substituted therefor:

“(g) prescribing the rate of interest and the manner of calculating the interest to be credited to the Public Service Death Benefit Account established by this Part;

(ga) prescribing, for the purposes of paragraph (i) of subsection (1) of section 39, the day on which

a retroactive increase in pay shall be deemed to have commenced to have been received by a participant;"

(2) Paragraph (i) of subsection (1) of section 50 of the said Act is repealed.

(3) Subsection (2) of section 50 of the said Act is repealed and the following substituted therefor:

Application
of Part I.

"(2) Section 19 except subsection (2) thereof, section 19A and paragraphs (l), (lb), (m), (n), (o), (oa) and (p) of subsection (1) of section 30 are, *mutatis mutandis*, applicable to this Part."

1953-54,
c. 64, s. 2.

29. Subsection (1) of section 51 of the said Act is repealed.

30. (1) Part II of Schedule A to the said Act is amended by striking out the words

"Employees of the Government of the Northwest Territories employed in connection with the administration of the Northwest Territories Territorial Liquor Ordinance"

and by substituting therefor the following:

"Employees of the Government of the Northwest Territories (which Government is deemed for purposes of section 23 to be a Public Service corporation)"

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

31. Finance Votes 62(a) and 66(a) in Schedule B of *Appropriation Act No. 5, 1963*, and Finance Vote 17(a) in Schedule B of *Appropriation Act No. 10, 1964* are repealed.

32. Wherever in the said Act the term "Treasury Board" is used, other than in paragraph (e) of subsection (1) of section 11, in subsection (2) of section 28 and in paragraph (t) of subsection (1) of section 30, there shall in each and every case be substituted the term "Minister".

33. There shall be included in calculating, for the purposes of the *Canada Pension Plan*, the amount of the contributory salary and wages for a year of a person who is a contributor under the *Public Service Superannuation Act*

and whose salary as defined in that Act is not otherwise included in computing income for the purposes of the *Income Tax Act*, the amount of that salary.

34. (1) In their application to a person who is a contributor under the said Act on the day this Act is assented to, subsections (1) and (3) of section 2, subsection (4) of section 3, section 5, subsections (1) and (2) of section 16, subsection (1) of section 17 and section 33 of this Act shall be deemed to have come into force on the 1st day of January, 1966, or on the day on which that person most recently became a contributor under the said Act if that day is prior to the day this Act is assented to, whichever is the later.

(2) Sections 22 to 29 of this Act shall come into force on the first day of the month following the month in which this Act is assented to, but in their application to any person who was a public service participant under Part II of the said Act immediately before the day this Act is assented to and who dies before the first day of the month referred to above, the said sections shall be deemed to have come into force on the day this Act is assented to.

CANADIAN FORCES SUPERANNUATION ACT.

1959, c. 21;
1965, c. 5.

35. (1) Subsection (1) of section 2 of the *Canadian Forces Superannuation Act* is amended by striking out the word "and" at the end of paragraph (k) thereof and by adding thereto, immediately after paragraph (k) thereof, the following paragraph:

"(ka) "salary" as applied to a member of the Canadian Forces means his income for the year from his employment as a member of the Canadian Forces, computed in accordance with the *Income Tax Act*, plus any deductions for the year made in computing that income; and" "Salary."

(2) Section 2 of the said Act is further amended by adding thereto the following subsection:

"(4) Except as provided in the regulations, employment as a member of the Canadian Forces is not excepted employment for the purposes of the *Canada Pension Plan*." Employment in forces pensionable employment.

36. All that portion of subsection (1) of section 4 of the said Act following paragraph (d) thereof is repealed and the following substituted therefor:

“is required to contribute to the Superannuation Account, by reservation from pay or otherwise, an amount equal to six per cent of his pay minus an amount equal to the amount he would be required to contribute under the *Canada Pension Plan* in respect of his salary for the period of that pay if his salary were the total amount of his income for the year from pensionable employment as defined in that Act.”

37. (1) Paragraphs (c) and (d) of subsection (1) of section 6 of the said Act are repealed and the following substituted therefor:

“(c) in respect of any period specified in clause (A) or (B) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rate set forth in subsection (1) of section 4 in respect of that period or that portion thereof,

in respect of pay equal to the pay authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest;

(ca) in respect of any period specified in clause (C) or (D) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965,

- in respect of that period or that portion thereof, and
- (ii) where that period or any portion thereof was after 1965, in the manner and at the rate set forth in subsection (1) of section 4 in respect of that period or that portion thereof,
- in respect of pay equal to the pay authorized to be paid to him during that period, together with interest;
- (d) in respect of any period specified in clause (E) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of pay on a full-time basis at the rates in effect during that period for the rank or ranks in the Canadian Forces corresponding to the rank or ranks held by him during that period, together with interest;”

(2) Paragraphs (f) and (g) of subsection (1) of section 6 are repealed and the following substituted therefor:

- “(f) in respect of any period specified in clause (G) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute
- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
- (ii) where that period or any portion thereof was after 1965, in the manner and at the rate set forth in subsection (1) of section 4 in respect of that period or that portion thereof,
- in respect of pay on a full-time basis at the rates in effect during those periods for the rank or ranks in the Canadian Forces corresponding to the rank or ranks held by him during that period, together with interest;

- (g) in respect of any period specified in clause (H) of subparagraph (ii) of the said paragraph (b), an amount equal to one-fourth of an amount determined as described in paragraph (f), together with interest;”

(3) Subsections (1) and (2) are applicable to elections made after 1965, except that in the case of an election made in the year 1966, or in the case of an election made in the year 1967 by a person who was a contributor on December 31, 1966, paragraph (c) of subsection (1) of section 6 of the said Act shall be read as follows:

- “(c) in respect of any period specified in clause (A) or (B) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rate set forth in subsection (1) of section 4 in respect of that period or that portion thereof,

in respect of pay equal to the pay authorized to be paid to him during that period, together with interest;”

38. Paragraphs (a) and (b) of subsection (1) of section 8 of the said Act are repealed and the following substituted therefor:

“(a) “annuity” means an annuity computed in accordance with section 9;

(b) “cash termination allowance” means an amount equal to one month’s pay for each year of pensionable service to the credit of the contributor, computed on the basis of the rate of pay authorized to be paid to him at the time he ceases to be a member of the forces, minus an amount equal to the amount by which

(i) the total amount the contributor would have been required to contribute to the

Superannuation Account up to the time he ceases to be a member of the forces (other than interest or charges for payments by instalments) in respect of service after 1965, if he had contributed on the basis of the rate set forth in subsection (1) of section 4 as it read on December 31, 1965,

exceeds

- (ii) the total amount the contributor was required to contribute to the Superannuation Account up to the time he ceases to be a member of the forces (other than interest or charges for payments by instalments) in respect of service after 1965."

39. Section 9 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

"(1a) Notwithstanding subsection (1), where a contributor has become entitled to a retirement or disability pension under the *Canada Pension Plan* (or would have become entitled thereto under that Act if he applied therefor and in the case of a retirement pension, it had not been commuted or had not been reduced by virtue of section 69 of the *Canada Pension Plan*) there shall be deducted from the amount of any annuity to which that contributor is entitled under this Act such amount as is determined in accordance with the regulations to be the amount of that retirement or disability pension that is attributable to contributions made under the *Canada Pension Plan* in respect of his service as a member of the Canadian Forces prior to the day on which he completed thirty-five years of pensionable service."

Deduction
from
annuity.

40. (1) Paragraph (c) of subsection (6) of section 10 of the said Act is repealed and the following substituted therefor:

"(c) if, in the case of a contributor other than an officer, he has served in the forces for twenty or more years, he is entitled to an annuity, reduced, if he has served in the forces for less than twenty-five years, by five per cent for each full year by which the period of his service in the forces is less than twenty-five years or for each

full year by which his age at the time of his retirement is less than the retirement age applicable to his rank, whichever is lesser."

(2) Section 10 of the said Act is further amended by adding thereto, immediately after subsection (6) thereof, the following subsection:

Computation
of length of
service.

"(6a) For the purposes of subsection (6), there shall be included in computing the length of service of a contributor in the forces any period of service on active service during time of war in the naval, army or air forces of Her Majesty raised by Canada."

41. Paragraph (b) of subsection (3) of section 11 of the said Act is repealed and the following substituted therefor:

"(b) an amount equal to one month's pay for each year of pensionable service to the credit of the contributor, computed on the basis of the rate of pay authorized to be paid to him at the time of his death,"

42. Subsection (5) of section 12 of the said Act is repealed and the following substituted therefor:

Widow
deemed to
have pre-
deceased
contributor.

"(5) If, upon the death of a contributor, it appears to the Minister that the widow of the contributor had, immediately prior to his death, been living apart from him under circumstances that would have disentitled her to an order for separate maintenance under the laws of the province in which the contributor was ordinarily resident, and if the Minister so directs, having regard to the surrounding circumstances, including the welfare of any children involved, she shall be deemed, for the purposes of this Act, to have pre-deceased the contributor."

43. Subsection (3) of section 13 of the said Act is repealed and the following substituted therefor:

Death within
one year after
marriage.

"(3) Notwithstanding anything in this Act, where a contributor dies within one year after his marriage, no annual allowance is payable to his widow or the children of that marriage if the Minister is not satisfied that the contributor was at the time of his marriage in such a condition of health as to justify him in having an expectation of surviving for at least one year thereafter."

44. Wherever in sections 12 and 14 of the said Act the term "Treasury Board" is used, there shall in each and every case be substituted the term "Minister".

45. Section 15 of the said Act is amended by adding thereto the following subsection:

"(2) Where, upon the death of a contributor who, *Idem.* upon ceasing to be a member of the Canadian Forces, was entitled to an immediate annuity from which a deduction had been made pursuant to subsection (1a) of section 9, there is no person to whom an allowance provided in this Act may be paid, or where the persons to whom such allowance may be paid die or cease to be entitled thereto and no other amount may be paid to them under the Act, any amount by which an amount calculated in respect of that contributor in accordance with paragraph (b) of subsection (1) of section 8 exceeds the aggregate of all amounts paid to those persons and to the contributor under this Act shall be paid to the estate of the contributor."

46. Paragraph (a) of subsection (6) of section 16 of the said Act is repealed and the following substituted therefor:

"(a) the total amount that he would have been required to contribute had he, during that period, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rate set forth in subsection (1) of section 4 in respect of that period or that portion thereof,

in respect of pay equal to the pay authorized to be paid to him during that period, without interest;"

47. Subsections (2) and (3) of section 17 of the said Act are repealed.

48. Paragraph (a) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor:

“(a) six per cent of the pay authorized to be paid to him during that period minus, in respect of any period of service or portion thereof after 1965, an amount equal to the amount he would have been required to contribute under the *Canada Pension Plan* in respect of his salary during that period, if that salary were the total amount of his income for that period from pensionable employment as defined in that Act, or”

49. (1) Subsection (1) of section 19 of the said Act is amended by striking out the word “and” at the end of paragraph (a) thereof and by substituting therefor the word “or”.

(2) Paragraph (b) of subsection (1) of section 19 of the said Act is repealed and the following substituted therefor:

“(b) in the case of service for which, by the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute

(i) where that period or any portion thereof was prior to 1966, in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(ii) where that period or any portion thereof was after 1965, in the manner and at the rate set forth in subsection (1) of section 4 in respect of that period or that portion thereof,

in respect of pay equal to the pay authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest, as defined in subsection (2) of section 6.”

(3) Subsection (2) is applicable to elections made after 1965, except that in the case of an election made in the year 1966, or in the case of an election made in the year 1967 by a person who was a contributor on December 31, 1966, paragraph (b) of subsection (1) of section 19 of the said Act shall be read as follows:

“(b) in the case of service for which, by the *Public Service Superannuation Act* or the *Royal Canadian Mounted Police Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute

- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rate set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
- (ii) where that period or any portion thereof was after 1965, in the manner and at the rate set forth in subsection (1) of section 4 in respect of that period or that portion thereof,

in respect of pay equal to the pay authorized to be paid to him during that period, together with interest, as defined in subsection (2) of section 6.”

(4) Section 19 of the said Act is further amended by adding thereto, immediately after subsection (5) thereof, the following subsection:

“(5a) Where a person, having been a member of the *Royal Canadian Mounted Police* and having become entitled to an annuity or annual allowance under the *Royal Canadian Mounted Police Superannuation Act*, for which he was not required to contribute, makes an election of the kind described in subsection (5), in addition to any amount he is, as a result of that election, required by that subsection to pay, that person shall pay into the Consolidated Revenue Fund for credit to the account maintained therein pursuant to the *Royal Canadian Mounted Police Superannuation Act*, an amount equal to the amount of any annuity or annual allowance that has been paid to him out of that account prior to his making an election under subsection (5).”

Amount to be paid for elected service.

50. (1) Subsection (1) of section 20 of the said Act is repealed and the following substituted therefor:

Service
Pension
Board.

“**20.** (1) The Minister shall appoint a board, to be known as the Service Pension Board, consisting of a chairman and two other members, one to represent the Canadian Forces and one to represent the Minister.”

(2) Subsection (4) of section 20 of the said Act is repealed and the following substituted therefor:

Application
of ss. (2)
and (3).

“(4) Subsections (2) and (3) do not apply to any case or class of cases specified by the Treasury Board.”

51. (1) Paragraph (c) of section 21 of the said Act is repealed and the following substituted therefor:

“(c) prescribing the extent to which and the circumstances under which any period of service of a person, whether before or after the coming into force of this Act, for which no pay was authorized to be paid or for which any forfeiture of pay or deduction from pay in respect of a period of suspension from duty was authorized to be made shall be counted as pensionable service for the purposes of this Act, prescribing the pay that shall be deemed to have been authorized to be paid to that person and to have been received by him during that period, and prescribing, notwithstanding subsection (1) of section 4, the rates at which that person shall contribute to the Superannuation Account in respect of that pay;

(ca) specifying, for the purposes of subsection (4) of section 2, the employment as a member of the Canadian Forces that is excepted employment;

(cb) respecting the determination, for the purposes of subsection (1a) of section 9, of the amount of any retirement or disability pension to which a contributor is entitled under the *Canada Pension Plan* that is attributable to contributions made thereunder in respect of his service as a member of the Canadian Forces;”

(2) Section 21 of the said Act is further amended by adding thereto, immediately after paragraph (d) thereof, the following paragraphs:

“(da) specifying, notwithstanding anything in this Act, the extent to which and the circumstances

under which any annuity or pension payable under this Act or the former Act to a retired officer, warrant officer or chief petty officer first class or second class who holds any office or position or performs any services, the remuneration for which is payable out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada, shall be reduced or suspended;

- (db) prescribing the period within which and the procedure by which any person dissatisfied with any decision or direction made by the Minister under section 12 or subsection (3) of section 13 may appeal that decision or direction to the Treasury Board and authorizing the Treasury Board to make any decision or direction in relation thereto that might have been made by the Minister under those provisions;"

(3) Section 21 of the said Act is further amended by adding thereto the following subsection:

"(2) The Governor in Council may make regulations prescribing, in the case of a member of the forces, who, pursuant to erroneous advice received from a person in the forces whose ordinary duties included the giving of advice respecting the making of elections under this Act or the former Act, failed to elect to become a contributor under this Act, Part V of the *Defence Services Pension Act* or Part V of the *Militia Pension Act*, the terms and conditions (including conditions as to interest) on which that member may elect to become a contributor under this Act, and upon the making of that election, he shall be deemed to have elected to pay for the service he would have been entitled to count under those Acts if he had not received erroneous advice and had made the election, an amount calculated in accordance with subsection (6) of section 16."

Failure to elect on erroneous advice.

52. Subsection (2) of section 24 of the said Act is repealed and the following substituted therefor:

1965, c. 5, s. 2.

"(2) There shall be credited to the Superannuation Account, following the authorization of any pay increase applicable to at least one per cent of the members of the forces such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty of the benefits

Pay increase credit.

payable under this Act as a result of such pay increase, and the amount so credited shall be charged to the Consolidated Revenue Fund in five equal annual instalments commencing in the fiscal year in which the salary increase is authorized.

Amount to be credited on basis of actuarial report.

(3) Following the laying before Parliament of any actuarial report described in section 25, there shall be credited to the Superannuation Account such amount as in the opinion of the Minister of Finance, together with the amount then to the credit of the said Account is required to meet the cost of the benefits payable under this Act and the amount so credited shall be charged to the Consolidated Revenue Fund in five equal annual instalments commencing in the fiscal year in which the report is laid before Parliament."

53. The said Act is further amended by adding thereto the following Part:

"PART III

SUPPLEMENTARY DEATH BENEFITS.

INTERPRETATION.

Definitions.

"Basic benefit."

44. (1) In this Part,

(a) "basic benefit" with respect to a participant means the salary of the participant if it is a multiple of two hundred and fifty dollars or the nearest multiple of two hundred and fifty dollars above the salary of the participant if it is not a multiple of two hundred and fifty dollars, subject to a reduction, to be made as of such time as the regulations prescribe, of one-tenth of that amount for every year of age in excess of sixty attained by the participant, except that in the case of an elective participant who, upon ceasing to be a member of the regular forces or upon ceasing to be employed in the Public Service, was entitled under Part I or under the *Defence Services Pension Continuation Act* to an annuity or pension, the basic benefit shall not be less than five hundred dollars;

"Benefit."

(b) "benefit" means the amount payable in respect of a participant under section 48;

"Elective."

(c) "elective" as applied to a participant means that the participant comes within subparagraph (ii) or (iii) of paragraph (d);

- (d) "participant" means
- (i) a member of the regular forces,
 - (ii) a person other than a member of the regular forces who has made an election under section 45 and continues to contribute under this Part, and
 - (iii) a person not coming within subparagraph (i) or (ii) who has made an election under section 45 and to whom the basic benefit in the amount of five hundred dollars referred to in paragraph (a) applies without contribution under this Part by him therefor,
- but does not include a person described in paragraph (b) of subsection (1) of section 52 of the *Public Service Superannuation Act* who elected not to come under the provisions of Part II of that Act;
- (e) "public service participant" means a person who is a participant under Part II of the *Public Service Superannuation Act*;
- (f) "salary" means
- (i) in the case of a participant who is a member of the regular forces, the greater of
 - (A) the pay of that participant, expressed in terms of an annual rate, or
 - (B) three thousand dollars per annum if his rank is lower than chief petty officer in the Royal Canadian Navy or warrant officer in the Canadian Army or Royal Canadian Air Force, or five thousand dollars per annum if his rank is chief petty officer or higher in the Royal Canadian Navy or warrant officer or higher in the Canadian Army or Royal Canadian Air Force, and
 - (ii) in the case of an elective participant, the greater of
 - (A) the pay of that participant at the time he ceased to be a member of the regular forces, expressed in terms of an annual rate, or
 - (B) three thousand dollars per annum if his rank at the time he ceased to be a member of the regular forces was lower than chief petty officer in the Royal Canadian Navy or warrant officer in the Canadian Army or Royal Canadian Air Force, or five thousand

"Participant."

"Public service participant."

"Salary."

dollars per annum if his rank at that time was chief petty officer or higher in the Royal Canadian Navy or warrant officer or higher in the Canadian Army or Royal Canadian Air Force,

except that where a retroactive increase is authorized in the pay of that participant, such increase shall be deemed to have commenced to have been received by him on such day as the regulations prescribe; and

- (g) other words and expressions have the same meaning as in Part I.

(2) Where in any circumstances a woman would be deemed to be or not to be the widow of a deceased contributor under Part I or under the *Defence Services Pension Continuation Act*, a woman shall, in like circumstances, be deemed for the purposes of this Part to be or not to be the widow of a deceased participant.

(3) For the purpose of section 45,

- (a) in calculating the period during which a person has been a member of the regular forces, any period during which that person was employed in the Public Service shall be deemed to be service as a member of the regular forces; and
- (b) in calculating the period during which a person has been a participant under this Part, any period during which that person was a participant under Part II of the *Public Service Superannuation Act* shall be included.

45. (1) A participant who is a member of the regular forces and who has been such a member substantially without interruption for five years or more or has been a participant under this Part without interruption for five years or more may, within one year before such time as he ceases to be such a member, elect to continue to be a participant under this Part after that time.

(2) A person who ceases to be a member of the regular forces and at the time he ceases to be a member is a participant who has been a member of the regular forces substantially without interruption for five years or more or has been a participant under this Part without interruption for five years or more,

- (a) shall be deemed, for the purposes of this Part except section 47, to be a participant under this Part for a period of thirty days after that time, and

Other words and expressions. When woman deemed widow.

Service in Public Service to be counted.

Election to continue as participant.

Idem.

- (b) may, within that period of thirty days, elect to continue to be a participant under this Part after the expiration of that period, and shall if upon ceasing to be a member he is entitled under Part I or under the *Defence Services Pension Continuation Act* to an annuity or pension, be deemed so to have elected within that period to continue to be a participant under this Part after the expiration of that period.

(3) An election under subsection (1) or (2) shall be deemed not to take effect until the expiration of the period of thirty days mentioned in paragraph (a) of subsection (2). Idem.

(4) Notwithstanding anything in this Part, a participant who becomes a public service participant ceases to be a participant under this Part, but if on ceasing to be a public service participant he is not entitled to an immediate annuity under the *Public Service Superannuation Act* and is entitled under Part I or under the *Defence Services Pension Continuation Act* to an annuity or pension he shall be deemed to have elected under subsection (1) to continue to be a participant under this Part. When public service participant deemed participant.

46. (1) Where the basic benefit of an elective participant who, upon ceasing to be a member of the regular forces, was entitled under Part I or under the *Defence Services Pension Continuation Act* to an annuity or pension exceeds five hundred dollars, the amount thereof shall, if the participant so elects, be reduced to five hundred dollars. Election to reduce basic benefit.

(2) An election made under this section is irrevocable. Idem.

CONTRIBUTIONS.

47. Every participant shall contribute to the Consolidated Revenue Fund at the rate of five cents per month for every two hundred and fifty dollars in the amount of his basic benefit, or, in the case of elective participants or participants who are absent from duty, such contribution as the regulations prescribe. Amount of contribution.

BENEFITS.

48. (1) On the death of a participant there shall be paid to the persons and in the manner specified in this Part, the amount of the basic benefit of the participant. Payment of benefit.

Benefits to
certain
participants
continued.

pant with respect to which the last contribution payable under this Part by the participant was calculated.

(2) Notwithstanding subsection (1), in calculating the benefit payable under subsection (1) on the death of a person who was an elective regular forces participant under Part II of the *Public Service Superannuation Act* immediately before the coming into force of this section and who continued to be an elective participant until the time of his death, "basic benefit" means the basic benefit as defined in paragraph (a) of subsection (1) of section 39 of the *Public Service Superannuation Act* as it read immediately prior to the coming into force of this section.

To whom
benefits paid.

49. (1) Benefits shall be paid as follows:

- (a) in the case of a deceased male participant survived by a widow, to the widow; and
- (b) in the case of any other deceased participant, to the estate of the participant.

How benefits
paid.

(2) Subject to any regulations made under paragraph (e) of subsection (1) of section 55, a benefit shall be paid in a lump sum.

Regular
Forces
Death
Benefit
Account.

50. (1) The Regular Forces Death Benefit Account in the Consolidated Revenue Fund is continued and there shall be credited to it the following:

- (a) the amount of all contributions paid under section 47 by participants;
- (b) one-sixth of the benefit paid in respect of each participant who, at the time of death, was a member of the regular forces, for which benefit contributions under this Part were payable by him at that time;
- (c) one-sixth of the benefit paid in respect of each elective participant who upon ceasing to be a member of the regular forces was entitled under Part I or under the *Defence Services Pension Continuation Act* to an annuity or pension, for which benefit contributions under this Part were payable by him at the time of death;
- (d) the amount of the single premium determined under Schedule A in respect of each participant in the case of whom the basic benefit in the amount of five hundred dollars referred to in paragraph (a) of subsection (1) of section 44 applies without contribution under this Part by him therefor; and
- (e) an amount representing interest on the balance from time to time to the credit of the said

Account at such rate and calculated in such manner as the regulations prescribe.

(2) Benefits shall be paid out of the Consolidated Revenue Fund and shall be charged against the Regular Forces Death Benefit Account.

How benefits
to be
charged.

GENERAL.

51. (1) There shall be issued to elective participants a document in such form as the regulations prescribe as evidence that they are participants under this Part.

Elective
participants.

(2) An elective participant ceases to be a participant if any contribution payable by him under this Part is not paid within thirty days after the due date thereof.

Idem.

52. Benefits are not capable of being assigned, charged, attached, anticipated or given as security and any transaction purporting to assign, charge, attach, anticipate or give as security any benefit is void.

Benefits not
assignable,
etc.

53. The Minister of Finance shall lay before Parliament at least once in every five years an actuarial report on the state of the Regular Forces Death Benefit Account containing an estimate of the extent to which the amounts standing to the credit of the Account and the contributions payable under this Part are sufficient to meet the benefits chargeable against the Account.

Actuarial
report.

54. The Minister shall lay before Parliament each year a report on the administration of this Part during the preceding fiscal year, including a statement showing the amounts that during such year were credited to or charged against the Regular Forces Death Benefit Account.

Annual
report.

55. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Part into effect and, without restricting the generality of the foregoing, may make regulations

Regulations.

- (a) prescribing the times as of which the reductions referred to in paragraph (a) of subsection (1) of section 44 shall be made;
- (b) prescribing the manner and time of payment of contributions;
- (c) prescribing the contributions to be made by elective participants and by participants who

are absent from duty and prescribing the conditions upon which participants who are absent from duty may continue to be participants;

- (d) respecting the manner and time of making elections under this Part;
- (e) authorizing payment, with the approval of the Minister, out of any benefit payable to the widow or the estate of a deceased participant, of reasonable expenses incurred for the maintenance, medical care or burial of the participant;
- (f) prescribing the rate of interest and the manner of calculating the interest to be credited to the Regular Forces Death Benefit Account established by this Part;
- (g) specifying, for the purposes of this Part, the circumstances under which a person's service in the regular forces shall be deemed to be substantially without interruption;
- (h) respecting the determination, for the purposes of this Part, of the effective date upon which a person shall be deemed to have become or to have ceased to be a member of the regular forces;
- (i) prescribing the nature of the evidence required to establish proof of age or marital status for the purposes of this Part, the time within which such evidence shall be provided and the consequences of any failure to provide such evidence within that time;
- (j) prescribing for the purposes of paragraph (f) of subsection (1) of section 44, the day on which a retroactive increase in pay shall be deemed to have commenced to have been received by a participant; and
- (k) prescribing forms for the purposes of this Part.

(2) Section 14, except subsection (2) thereof, applies *mutatis mutandis* to this Part."

Application of
Part I.

54. (1) Any person who, on the day immediately prior to the coming into force of this Act, was entitled under subsection (2) of section 41 of the *Public Service Superannuation Act* to elect to continue to be a participant under Part II of that Act

- (a) shall be deemed, for the purposes of Part III of the *Canadian Forces Superannuation Act* as enacted by section 53 of this Act, to be a participant under that Part for a period equal to the unexpired portion of the period during which

he could have elected to be a participant under Part II of the *Public Service Superannuation Act*; and

- (b) may, within the period referred to in paragraph (a), elect to continue to be a participant under Part III of the *Canadian Forces Superannuation Act* as enacted by section 53 of this Act after the expiration of that period and shall, if he is entitled under the *Canadian Forces Superannuation Act* or under the *Defence Services Pension Continuation Act* to an annuity or pension be deemed to have elected within that period to continue to be a participant under that Part after the expiration of that period.

(2) Every person who elected under section 41 of the *Public Service Superannuation Act* to continue to be a participant under Part II thereof and who was by virtue of such election a participant under that Part on the day immediately prior to the coming into force of this section shall be deemed to have elected to be a participant under subsection (1) of section 45 of the *Canadian Forces Superannuation Act* as enacted by section 53 of this Act.

55. The said Act is further amended by adding thereto the following Schedule:

“SCHEDULE A.

Single Premium for \$500 of Death Benefit Coverage
for Life.

Age of participant nearest birthday	Amount of Single Premium	
	Males	Females
65.....	\$310	\$291
6.....	316	298
7.....	323	306
8.....	329	313
9.....	336	320
70.....	343	328
1.....	349	335
2.....	356	342
3.....	362	349
4.....	369	356
75.....	375	363
6.....	381	370
7.....	387	377
8.....	393	383
9.....	398	389
80.....	403	395”

56. (1) Sections 35 to 39 and sections 41, 48, 49 and 52 shall be deemed to have come into force on the 1st day of January, 1966.

(2) Section 47 and subsection (2) of section 51 shall come into force on such day as may be fixed by proclamation of the Governor in Council.

(3) Sections 53 and 54 shall come into force on the first day of the month following the month in which this Act is assented to, but in their application to any person who was a regular forces participant under Part II of the *Public Service Superannuation Act* immediately before the day this Act is assented to and who dies before

the first day of the month referred to above, the said sections shall be deemed to have come into force on the day this Act is assented to.

DEFENCE SERVICES PENSION CONTINUATION ACT.

57. (1) Subsections (11) and (11a) of section 3 of the *Defence Services Pension Continuation Act* are repealed.

(2) Subsection (1) shall come into force on such day as may be fixed by proclamation of the Governor in Council.

58. Subsection (2) of section 31A of the said Act is repealed and the following substituted therefor:

“(2) If, upon the death of an officer or former officer, it appears to the Minister that the widow of that officer had, immediately prior to his death, been living apart from him under circumstances that would have disentitled her to an order for separate maintenance under the laws of the province in which the officer was ordinarily resident, and if the Minister so directs, having regard to the surrounding circumstances, including the welfare of any children involved, she shall be deemed, for the purposes of this Act, to have predeceased that officer.

(2a) The Governor in Council may make regulations prescribing the period within which and the procedure by which any person dissatisfied with any decision or direction made by the Minister under this section may appeal that decision or direction to the Treasury Board and authorizing the Treasury Board to make any decision or direction in relation thereto that might have been made by the Minister under this section.”

R.S., cc.
63, 310;
1952-53, c. 24;
1953-54, c. 13;
1955, c. 28;
1956, c. 18;
1959, c. 21.
1952, c. 310,
s. 4(1).

1955, c. 28,
s. 15.

Widow
deemed to
have pre-
deceased
officer.

Appeals.

59. Where in section 31A of the said Act the term “Treasury Board” is used, there shall in each and every such case be substituted the term “Minister”.

ROYAL CANADIAN MOUNTED POLICE SUPERANNUATION ACT.

1959, c. 34;
1965, c. 5.

60. Section 2 of the *Royal Canadian Mounted Police Superannuation Act* is amended by adding thereto the following subsection:

“(4) Except as provided in the regulations, employment as a member of the Force is not excepted employment for the purposes of the *Canada Pension Plan*.”

Employment
in the Force
pensionable
employment.

61. Paragraphs (d) and (e) of subsection (1) of section 4 of the said Act are repealed and the following substituted therefor:

- “(d) in the case of a male contributor, six per cent of his pay minus an amount equal to the amount he would be required to contribute under the *Canada Pension Plan* in respect of that pay if that pay, expressed in terms of an annual rate, were the total amount of his income for the year from pensionable employment as defined in that Act, and
- (e) in the case of a female contributor, five per cent of her pay minus an amount equal to the amount she would be required to contribute under the *Canada Pension Plan* in respect of that pay if that pay, expressed in terms of an annual rate, were the total amount of her income for the year from pensionable employment as defined in that Act.”

62. (1) Subparagraph (ii) of paragraph (b) of section 5 of the said Act is amended by adding thereto, immediately after clause (E) thereof, the following clause:

“(EA) any period of service as a member of the Force for which he was not required to contribute under the former Act, if he elects within one year of becoming a contributor under this Part to pay for that service,”

(2) An election may be made under clause (EA) of subparagraph (ii) of paragraph (b) of section 5 of the said Act as enacted by this section by any person who was a contributor under Part I of the said Act immediately before the coming into force of this section, and in its application to such person, clause (EA) shall be read and construed as though for the expression “within one year of becoming a contributor under this Part” where it appears therein there were substituted the expression “within one year of the coming into force of this clause”.

63. (1) Paragraphs (d) and (e) of subsection (1) of section 6 of the said Act are repealed and the following substituted therefor:

- “(d) in respect of any period specified in clause (B) of subparagraph (ii) of the said paragraph (b),

an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute

- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
 - (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that period or that portion thereof,
- in respect of pay equal to the pay authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest;
- (e) in respect of any period specified in clause (C), (D), (E), (EA) or (F) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute
- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
 - (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that period or that portion thereof,
- in respect of pay equal to the pay authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest;”

(2) Subsection (1) is applicable to elections made after 1965, except that in the case of an election made in the year 1966, or in the case of an election made in the year 1967 by a person who was a contributor on December 31, 1966, paragraphs (d) and (e) of subsection (1) of section 6 of the said Act shall be read as follows:

- “(d) in respect of any period specified in clause (B) of subparagraph (ii) of the said paragraph (b),

an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute

- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
 - (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that period or that portion thereof,
- in respect of pay on a full-time basis at the rates in effect during that period for the rank or ranks in the Canadian Forces held by him during that period or corresponding to the rank or ranks held by him during that period as the case may be, together with interest;
- (e) in respect of any period specified in clause (C), (D), (E), (EA) or (F) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute
 - (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
 - (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that period or that portion thereof,
 in respect of pay equal to the pay authorized to be paid to him during that period, together with interest;"

64. (1) Paragraph (a) of subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

"(a) "annuity" means an annuity computed in accordance with section 9;"

(2) Paragraph (d) of subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

“(d) “cash termination allowance” means an amount equal to one month’s pay for each year of pensionable service to the credit of the contributor, computed on the basis of the rate of pay authorized to be paid to him at the time he ceases to be a member of the Force, minus an amount equal to the amount by which

(i) the total amount the contributor would have been required to contribute to the Superannuation Account up to the time he ceases to be a member of the Force (other than interest or charges for payments by instalments) in respect of service after 1965, if he had contributed on the basis of the rates set forth in subsection (1) of section 4 as it read on December 31, 1965,

exceeds

(ii) the total amount the contributor was required to contribute to the Superannuation Account up to the time he ceases to be a member of the Force (other than interest or charges for payments by instalments) in respect of service after 1965.”

65. Section 9 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsections:

“(1a) Notwithstanding subsection (1), where a contributor has become entitled to a retirement or disability pension under the *Canada Pension Plan* (or would have become entitled thereto under that Act if he applied therefor and in the case of a retirement pension, it had not been commuted or had not been reduced by virtue of section 69 of the *Canada Pension Plan*), there shall be deducted from the amount of any annuity to which that contributor is entitled under this Act such amount as is determined in accordance with the regulations to be the amount of that retirement or disability pension that is attributable to contributions made under the *Canada Pension Plan* in respect of his service as a member of the Force prior to the day on which he completed thirty-five years of pensionable service.”

Deduction
from
annuity.

66. Paragraph (b) of subsection (6) of section 10 of the said Act is repealed and the following substituted therefor:

“(b) a member of the Force not holding a rank in the Force is entitled to a benefit determined under this section, other than the benefit provided in subparagraph (i) of paragraph (b) of subsection (5), as though he were an officer.”

67. Paragraph (b) of subsection (3) of section 12 of the said Act is repealed and the following substituted therefor:

“(b) an amount equal to one month’s pay for each year of pensionable service to the credit of the contributor, computed on the basis of the rate of pay authorized to be paid to him at the time of his death,”

68. Subsection (5) of section 13 of the said Act is repealed and the following substituted therefor:

Widow
deemed to
have pre-
deceased
contributor.

“(5) If, upon the death of a contributor, it appears to the Minister that the widow of the contributor had, immediately prior to his death, been living apart from him under circumstances that would have disentitled her to an order for separate maintenance under the laws of the province in which the contributor was ordinarily resident, and if the Minister so directs, having regard to the surrounding circumstances, including the welfare of any children involved, she shall be deemed, for the purposes of this Part, to have predeceased the contributor.”

69. Subsection (3) of section 14 of the said Act is repealed and the following substituted therefor:

Death
within one
year of
marriage.

“(3) Notwithstanding anything in this Act, where a contributor dies within one year after his marriage, no annual allowance is payable to his widow or the children of that marriage if the Minister is not satisfied that the contributor was at the time of his marriage in such a condition of health as to justify him in having an expectation of surviving for at least one year thereafter.”

70. Wherever in sections 13 and 15 of the said Act the term “Treasury Board” is used, there shall in each and every case be substituted the term “Minister”.

71. (1) Subsection (1) of section 19 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof and by substituting the word "or".

(2) Paragraph (b) of subsection (1) of section 19 of the said Act is repealed and the following substituted therefor:

"(b) in the case of service for which, by the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute

- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and
- (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that period or that portion thereof,

in respect of pay equal to the pay authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest, as defined in subsection (2) of section 6."

(3) Subsection (2) is applicable to elections made after 1965, except that in the case of an election made in the year 1966, or in the case of an election made in the year 1967 by a person who was a contributor on December 31, 1966, paragraph (b) of subsection (1) of section 19 of the said Act shall be read as follows:

"(b) in the case of service for which, by the *Public Service Superannuation Act* or the *Canadian Forces Superannuation Act*, as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute

- (i) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in

- respect of that period or that portion thereof, and
- (ii) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that period or that portion thereof,
- in respect of pay equal to the pay authorized to be paid to him during that period plus any amount paid to him under those Acts at any time before the making of the election, together with interest, as defined in subsection (2) of section 6."

72. Notwithstanding subsection (1) of section 19 of the said Act, a person to whom Part VII of the *Royal Canadian Mounted Police Act*, chapter 241 of the Revised Statutes of Canada, 1952, was applicable immediately before the coming into force of the *Royal Canadian Mounted Police Superannuation Act* and who became a contributor under Part I of that Act as of the day it came into force may count as pensionable service for the purposes of that Act any period of pensionable service to his credit under the *Public Service Superannuation Act*, if he elects, within one year of the coming into force of this section, to pay for that service, in which case the amount to be paid by him therefor is an amount determined in accordance with subsection (1) of section 19 of the said Act.

73. (1) Subsection (1) of section 21 of the said Act is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraphs:

- “(ba) specifying, for the purposes of subsection (4) of section 2, the employment as a member of the Force that is excepted employment;
- (bb) respecting the determination, for the purposes of subsection (1a) of section 9, of the amount of any retirement or disability pension to which a contributor is entitled under the *Canada Pension Plan* that is attributable to contributions made in respect of his service as a member of the Force;
- (bc) prescribing the period within which and the procedure by which any person dissatisfied by any decision or direction made by the Minister under section 13 or subsection (3) of section 16 may appeal that decision or direction to the Treasury Board and authorizing

the Treasury Board to make any decision or direction in relation thereto that might have been made by the Minister under those provisions;"

(2) Subsection (2) of section 21 of the said Act is repealed and the following substituted therefor:

"(2) For the purposes of this Part, a person who has contributed to the Superannuation Account in accordance with any regulation made under paragraph (b) of subsection (1) in respect of any period during which he was absent from the Force on leave of absence without pay shall be deemed to have contributed to the Superannuation Account,

Regulations
respecting
leave of
absence.

(a) where that period or any portion thereof was prior to 1966, in the manner and at the rates set forth in subsection (1) of section 4 as it read on December 31, 1965, in respect of that period or that portion thereof, and

(b) where that period or any portion thereof was after 1965, in the manner and at the rates set forth in subsection (1) of section 4 in respect of that period or that portion thereof,

and to have received, during that period, pay and allowances at a rate equal to the rate of pay and allowances that would have been authorized to be paid to him if he had not been so absent on leave of absence without pay."

74. (1) Subsection (2) of section 23 of the said Act is repealed and the following substituted therefor:

1965, c. 5,
s. 3.

"(2) There shall be credited to the Superannuation Account, following the authorization of any pay increase applicable to at least one per cent of the members of the Force such amount as, in the opinion of the Minister of Finance, is necessary to provide for the increase in the cost to Her Majesty of the benefits payable under this Part as a result of such pay increases, and the amount so credited shall be charged to the Consolidated Revenue Fund in five equal annual instalments commencing in the fiscal year in which the salary increase is authorized.

Pay increase
credit.

(3) Following the laying before Parliament of any actuarial report described in section 24, there shall be credited to the Superannuation Account such amount as, in the opinion of the Minister of Finance, together with the amount then to the credit of the said Account,

Amount to
be credited
on basis of
actuarial
report.

is required to meet the cost of the benefits payable under this Part and the amount so credited shall be charged to the Consolidated Revenue Fund in five equal annual instalments commencing in the fiscal year in which the report is laid before Parliament."

(2) This section shall be deemed to have come into force on the 1st day of January, 1966.

75. Subsection (3) of section 27 of the said Act is repealed and the following substituted therefor:

"(3) In applying Schedules A and B of the *Pension Act* for the purposes of this Part, the ranks in the Force set out in the following table, and such prescribed classes in the Force of members not holding a rank in the Force as are specified in accordance with the regulations to be the classes corresponding to those ranks, shall be deemed to correspond to the ranks in the Canadian Army set out as follows:

<i>Rank in Force</i>	<i>Canadian Army Rank</i>
Commissioner, Deputy Commissioner or Assist- ant Commissioner.....	Brigadier and higher ranks
Chief Superintendent.....	Colonel
Superintendent and lower ranks.....	Lieutenant Colonel and lower ranks."

76. In their application to a person who is a contributor under the said Act on the day this Act is assented to, sections 60, 61, 63, 65, 67, 71 and 73 shall be deemed to have come into force on the 1st day of January, 1966, or on the day on which that person most recently became a contributor under the said Act if that day is prior to the day this Act is assented to, whichever is the later.

R.S., c. 82.

DIPLOMATIC SERVICE (SPECIAL) SUPERANNUATION ACT.

77. (1) The *Diplomatic Service (Special) Superannuation Act* is amended by adding thereto, immediately after section 2 thereof, the following section:

Retirement
age.

"**2A.** (1) Every Public Official who is not a contributor under the *Public Service Superannuation Act*

ceases to hold office as such upon reaching the age of sixty-five years.

(2) Notwithstanding subsection (1), a Public Official to whom subsection (1) applies who has reached the age of sixty-five years may continue to hold office as such from year to year thereafter if, prior to each anniversary of his birthday commencing with the sixty-fifth anniversary thereof, the Governor in Council has approved that he continue to hold such office.” Idem.

(2) Where a Public Official who is not a contributor under the *Public Service Superannuation Act* has, on or before the coming into force of this Act, reached the age of sixty-four years he may, notwithstanding subsection (1), continue to hold office as such until January 1, 1967 and thereafter, until the anniversary of his birthday next following and from year to year thereafter if, prior to each anniversary of his birthday, the Governor in Council has approved that he continue to hold such office.

78. (1) Subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

“**3.** (1) Every Public Official who

(a) has served as a Public Official for not less than five years, and

(b) immediately prior to his appointment to a Public Office, was not a contributor under the *Civil Service Superannuation Act* or the *Public Service Superannuation Act*

is, subject to this Act, entitled upon his retirement or resignation

(c) if he has reached the age of sixty-five years or is afflicted with a permanent infirmity disabling him from the due execution of his office, to a pension calculated in accordance with subsection (2), or

(d) if he has not reached the age of sixty-five years, to

(i) a deferred pension, calculated in accordance with subsection (2), or

(ii) a return of the total contributions made by him under this Act, without interest, at his option, except that if he has reached the age of forty-five years and has served as a Public Official for not less than ten years, he is not entitled to a return of contributions in respect of any period of service as a Public Official after such day as may be fixed by the Governor in Council.”

Pension to
Public
Official.

(2) All that portion of subsection (2) of section 3^m of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Amount.

“(2) Subject to this Act, the pension to which a Public Official is entitled under this section shall”

(3) Subsections (3) to (5) of section 3 of the said Act are repealed and the following substituted therefor:

Deductions
from
annuity.

“(2a) Where a Public Official

(a) has reached the age of sixty-five years and has ceased to hold office as a Public Official, or

(b) has become disabled and a disability pension has become payable to him under the *Canada Pension Plan*,

there shall be deducted from the amount of any pension to which he is entitled under this section

(c) an amount equal to one fiftieth of his Average Maximum Pensionable Earnings for each year between January 1, 1966 and December 31, 1975 that he has contributed under this Act, and

(d) an amount equal to one one-hundredth of his Average Maximum Pensionable Earnings for each year after 1975 that he has contributed under this Act.

Definitions.

“Average
Maximum
Pensionable
Earnings.”

(2b) In this section,

(a) “Average Maximum Pensionable Earnings” means, with respect to any Public Official, the average of the Year’s Maximum Pensionable Earnings for the year in which the deductions referred to in subsection (2a) are required to be made from his pension and for each of the two preceding years;

“Average
salary.”

(b) “average salary” means the average of the salary received by the Public Official during the last ten years of his service in a Public Office or, where he served less than ten years in a Public Office, the average of the salary received by him during his entire service in a Public Office;

“Deferred
pension.”

(c) “deferred pension” means a pension that becomes payable to a Public Official at the time he reaches sixty-five years of age; and

“Year’s
Maximum
Pensionable
Earnings.”

(d) “Year’s Maximum Pensionable Earnings” has the same meaning as in the *Canada Pension Plan*.

When age of
sixty-five
deemed to be
reached.

(2c) For the purposes of subsection (2a), a Public Official shall be deemed to have reached the age of

sixty-five years at the beginning of the month following the month in which he actually reached that age.

(2d) Subject to subsection (4) and to section 9, where

Circumstances where amount to be increased.

(a) the amount of the pension to which a Public Official is entitled under subsection (1) on his retirement or resignation, together with such amount as is determined in accordance with the regulations to be the amount of any retirement or disability pension to which he is entitled under the *Canada Pension Plan* (or to which he would be entitled thereunder if he applied therefor and in the case of a retirement pension, it had not been commuted), that is attributable to contributions made thereunder in respect of his employment as a Public Official is less than

(b) the amount of the pension to which he would have been entitled under this Act if no deduction was made as required under subsection (2a), the amount of the pension to which that Public Official is entitled under this Act shall, upon application therefor by him in the manner prescribed by the regulations, be increased by the amount of the difference effective from such day as is determined in accordance with the regulations.

(3) Subsection (2d) does not apply to a person described therein during any period that a retirement pension is not payable to him or is reduced by virtue of section 68 or 69 of the *Canada Pension Plan*.

Exception.

(4) Notwithstanding anything in this section, the pension to which a Public Official is entitled under this section shall not exceed an amount that, when added to any superannuation or retirement pension or annuity received by him in respect of any prior service under some other Act of the Parliament of Canada, equals the pension to which he would have been entitled if the prior service and the annual remuneration upon which such other pension or annuity is calculated were, respectively, additional years of service in a Public Office and salary as a Public Official.

Maximum pension.

(5) Every Public Official who

(a) immediately prior to his appointment to a Public Office was not a contributor under the *Civil Service Superannuation Act* or the *Public Service Superannuation Act*, and

Return of contributions to Public Official upon retirement or resignation.

(b) upon his retirement or resignation is not entitled to a pension under subsection (1),

Return of
contributions
to widow of
Public
Official.

is entitled, upon his retirement or resignation, to a return of the total contributions made by him under this Act, without interest.

(6) Upon the death of a Public Official who is a contributor under this Act, other than a Public Official who has made an election under subsection (1) of section 8, there shall be paid to his widow the total amount of the contributions made by that Public Official under this Act, without interest."

(4) Subsection (2a) and subsections (2c) to (3) of section 3 of the said Act as enacted by subsection (3) of this section shall come into force on the 1st day of January, 1967, except that in its application to a Public Official to whom a pension under the said Act is payable at any time in the years 1967, 1968 or 1969, paragraph (a) of subsection (2a) of section 3 of the said Act shall be read and construed as though for the expression "has reached the age of sixty-five years" where it appears therein there were substituted

(a) for the year 1967, the expression "has reached the age of sixty-eight years",

(b) for the year 1968, the expression "has reached the age of sixty-seven years", and

(c) for the year 1969, the expression "has reached the age of sixty-six years",

and, for the purposes of that paragraph, a Public Official shall be deemed to have reached the age of sixty-six, sixty-seven or sixty-eight years, as the case may be, at the beginning of the month following the month in which he actually reached that age.

(5) Where, in the year 1967, a deduction is required to be made under subsection (2a) of section 3 of the said Act as enacted by this section, the reference to two preceding years in paragraph (a) of subsection (2b) of section 3 of the said Act as enacted by subsection (3) of this section shall be construed as a reference to one preceding year.

79. Section 4 of the said Act is repealed and the following substituted therefor:

Public
Official's
contribution.

"4. (1) Every Public Official who is not a contributor under the *Public Service Superannuation Act* shall, by reservation from his salary, contribute to the Consolidated Revenue Fund six per cent of his salary minus an amount equal to the amount he would be required to contribute under the *Canada Pension Plan* in respect of that salary if that salary, expressed in

terms of an annual rate, were the total amount of his income for the year from pensionable employment as defined in that Act.

(2) Notwithstanding subsection (1), no Public Official shall contribute to the Consolidated Revenue Fund as required by subsection (1) after he has served as a Public Official for a period of thirty-five years less the number of years of service upon which any pension or annuity received by him in respect of any prior service under some other Act of Parliament is based."

Contribution
not required

80. Section 5 of the said Act is repealed.

81. (1) Subsection (3) of section 6 of the said Act is repealed and the following substituted therefor:

"(3) A person who, by virtue of an election under subsection (1) to contribute under this Act in respect of his prior service, may count the whole or any part of such prior service for the purposes of this Act as service in a Public Office, may, within the time prescribed by that subsection for the making of any such election, elect to contribute under this Act in respect of part only of his prior service but only that part that is most recent in point of time, and upon so electing, may count that part of his prior service for the purposes of this Act as service in a Public Office.

Right to
elect in
respect of
part of
service.

(3a) The contribution required under this section by virtue of an election by a Public Official to contribute under this Act in respect of any period of prior service is an amount equal to the amount that he would have been required to contribute had he, during that period, made contributions under this Act in respect of a salary at the rate authorized to be paid to him on the most recent occasion on which he became a contributor, together with simple interest at four per cent per annum until the time of the making of the election."

Contribution
required in
respect of
prior service.

(2) Subsections (5) and (6) of section 6 of the said Act are repealed and the following substituted therefor:

"(5) Where a Public Official who has elected under this Act to pay for any period of prior service and has undertaken to pay for that period of service in instalments ceases to be a Public Official before all the instalments have been paid, the unpaid instalments may be reserved, in accordance with the regulations, from any amount payable to him by Her Majesty in right of Canada, including any pension payable to him under this Act, until such time as

Unpaid
instalments.

- (a) all the instalments have been paid, or
 (b) the contributor dies,
 whichever occurs first.

Certain prior
 service not
 to be
 counted.

(6) Notwithstanding anything in this section, no person is, for the purposes of this Act, entitled to count as service in a Public Office any prior service in respect of which he is entitled to or has been granted a pension or annuity under any other Act of the Parliament of Canada."

(3) Subsection (1) is applicable to elections made after the coming into force of this Act.

82. (1) Subsections (1) to (3) of section 8 of the said Act are repealed and the following substituted therefor:

Election to
 accept
 pension in
 lieu of any
 other
 pension.

"8. (1) Where a Public Official who is not a contributor under the *Public Service Superannuation Act* elects in writing, at any time prior to his retirement or resignation as a Public Official, to accept a pension authorized by this section, he is entitled, in lieu of the pension authorized by section 3, to a pension equal to two-thirds of the pension to which he would have been entitled under section 3, but for his election.

Pension to
 wife of
 pensioner.

(2) Where a Public Official is receiving a pension under subsection (1), his wife is entitled to a pension equal to one-half of the pension to which that Public Official is entitled.

Pension to
 widow.

(3) Where a Public Official who has made an election under subsection (1) dies while holding office as such, his widow is entitled to a pension equal to one-half of the pension to which that Public Official would have been entitled had he, immediately prior to his death, retired or resigned from his office, having become afflicted with a permanent infirmity disabling him from the due execution of his office."

(2) Subsections (5) and (6) of section 8 of the said Act are repealed and the following substituted therefor:

Cessation of
 pension to
 wife or
 widow.

"(5) A pension to which the wife or widow of a Public Official is entitled under this section shall cease in the event of her remarriage.

Return of
 contributions
 to widow not
 entitled to
 pension.

(6) Where a Public Official who has made an election under subsection (1) dies while holding office as such and his widow is not entitled to a pension under subsection (3), there shall be paid to his widow the total amount of the contributions made by that Public Official under this Act, without interest."

83. Section 9 of the said Act is repealed and the following substituted therefor:

"9. Where a Public Official who is entitled to a pension under this Act is employed in the public service of Canada or is appointed a judge of a superior, district or county court in Canada, payment of his pension under this Act shall, during the period while he is so employed or serving as such judge, be suspended if, during that period, the rate of salary authorized to be paid to him exceeds a like rate computed on the basis of the salary authorized to be paid to him in respect of his last full month of service as a Public Official prior to becoming so employed or prior to his appointment as such judge, but if it does not exceed the rate so computed such suspension shall not apply to payment of his pension as hereinbefore mentioned, to the extent that the rate so computed exceeds the rate of salary authorized to be paid to him during the period while he is so employed or serving as such judge."

Pensioner employed in public service or appointed judge.

84. Section 10 of the said Act is repealed and the following substituted therefor:

"10. (1) The pensions and returns of contributions payable under this Act shall be paid out of the Consolidated Revenue Fund.

Payments out of Consolidated Revenue Fund.

(2) Where a pension becomes payable under this Act, it shall be paid in equal monthly instalments in arrears and shall continue, subject to this Act, during the lifetime of the recipient and thereafter until the end of the month in which he dies.

Duration of payment.

(3) Where a person has become entitled under this Act to a pension as or in respect of a Public Official, the monthly instalments of which would amount to less than ten dollars each, there may be paid to that person, upon request by him to the Minister of Finance in writing within three months from the time when he became so entitled, an amount determined by the Minister to be the capitalized value of the said pension, which payment shall be in lieu of that pension."

Capitalization.

85. Subsections (1) and (2) of section 11 of the said Act are repealed and the following substituted therefor:

"11. (1) A Public Official who is not a contributor under the *Public Service Superannuation Act* may elect in writing within one year after his appointment to a

Election not to contribute under section 4.

Public Office not to contribute under section 4, and upon so electing he shall, notwithstanding section 4, not be required to contribute under that section.

Idem.

(1a) A Public Official is not required to contribute under the *Public Service Superannuation Act* by reason of an election made by him under subsection (1).

Return of contributions.

(2) A Public Official who has made an election under this section and who has made contributions under section 4 is entitled to a return of the total amount of those contributions, without interest."

86. The said Act is further amended by adding thereto the following sections:

Residual amounts.

"**12.** Where, upon the death of a Public Official, there is no widow to whom a pension or return of contributions under this Act may be paid, or where the widow of a Public Official who is or would be entitled to a pension under this Act dies or ceases to be entitled thereto, any amount by which the total amount of the contributions made by the Public Official under this Act, without interest, exceeds the total amount paid to the Public Official and his widow under this Act, shall be paid to his estate or, if less than five hundred dollars, as authorized by the Minister of Finance.

Presumption of death of Public Official or other person.

13. (1) Where a Public Official or any person to whom any pension or return of contributions has become payable under this Act has disappeared under circumstances that, in the opinion of the Minister of Finance, raise beyond a reasonable doubt a presumption that that person is dead, the Minister of Finance may issue a certificate declaring that such person is presumed to be dead and stating the date upon which his death is presumed to have occurred, and thereupon such person shall be deemed, for all purposes of this Act, to have died on the date so stated in the certificate.

Effect of certificate.

(2) Notwithstanding subsection (1), if after the issue of a certificate under that subsection it is made to appear that the person named in the certificate did not in fact die on the date stated therein, the certificate has effect as provided in subsection (1) in relation to any period before such time as it is made to appear that he did not in fact so die, but no effect in relation to any period after that time.

14. (1) Where, for any reason, a person to whom any pension has become payable under this Act is unable to manage his own affairs, or where he is incapable of managing his own affairs and there is no person entitled by law to act as his committee, the Minister of Finance may pay to any person designated by the Treasury Board to receive payment on behalf of that person any amount that is payable to that person under this Act.

When person unable to manage affairs.

(2) For the purposes of this Act, any payment made by the Minister pursuant to subsection (1) is deemed to be a payment to the person in respect of whom such payment is made.

Payment deemed to be to person entitled.

15. A person to whom a pension has been granted under this Act prior to the coming into force of this section shall, for the purposes of this Act, be deemed to have been entitled to that pension under this Act.

Entitlement to pension.

16. The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act."

Regulations.

87. Notwithstanding anything in the said Act, the Governor in Council may grant to any person any pension that might have been granted to that person under the said Act as it read on the day immediately before this Act is assented to, and for which that person had, prior to that day, become eligible.

88. In their application to any Public Official who was a contributor under the said Act on the day this Act is assented to, subsections (1), (3) and (4) of section 78 and section 79 of this Act shall be deemed to have come into force on the 1st day of January, 1966.

THE INTERCOLONIAL AND PRINCE EDWARD ISLAND
RAILWAYS EMPLOYEES' PROVIDENT FUND ACT.

1907, c. 22.

89. Section 5 of *The Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act* is repealed and the following substituted therefor:

"**5.** Every employee shall contribute to the fund by reservation from his salary one and one-half per cent of that portion of his salary for a year that is in excess of the Year's Maximum Pensionable Earnings for that year as defined in the *Canada Pension Plan*."

Contributions by employees.

90. Subsection (1) of section 13 of the said Act is repealed and the following substituted therefor:

Amount of allowance to employee.

“13. (1) The allowance to be paid to an employee under this Act shall be a monthly allowance of

(a) one and one-half per cent of the average monthly pay received by the employee for the eight years immediately preceding his retirement, for each year of his service prior to 1966,

plus

(b) where the employee has made contributions to the fund for eight years or more after 1965, one and one-half per cent of the average for the eight years immediately preceding his retirement of that portion of his salary on which he made contributions to the fund, multiplied by the number of years of his service after 1965 and divided by twelve, or

(c) where the employee has made contributions to the fund for less than eight years after 1965, one and one-half per cent of the average for those years of that portion of his salary on which he made contributions to the fund, multiplied by the number of years of his service after 1965 and divided by twelve.

(1a) Where

Circumstances where allowance to be increased.

(a) the amount of the allowance to be paid to an employee under subsection (1), together with such amount as is determined in accordance with the regulations to be the amount of any retirement or disability pension to which that employee is entitled under the *Canada Pension Plan* or a provincial pension plan (or to which he would be entitled thereunder if he applied therefor and in the case of a retirement pension, it had not been commuted or had not been reduced by virtue of section 69 of the *Canada Pension Plan*) that is attributable to contributions made thereunder in respect of him as an employee,

is less than

(b) the amount of the allowance to which he would have been entitled under subsection (1) of section 13 as it read immediately before the coming into force of this section,

the amount of the allowance to be paid to him under this Act shall, upon application therefor by him in the manner prescribed by the regulations, be increased by the amount of the difference effective from such day as is determined in accordance with the regulations.

(1b) Subsection (1a) does not apply to a person described therein during any period that a retirement pension is not payable to him or is reduced by virtue of section 68 or 69 of the *Canada Pension Plan* or a provision of a provincial pension plan similar thereto. Exceptions.

(1c) In this section, "provincial pension plan" has the same meaning as in the *Canada Pension Plan*. "Provincial pension plan" defined.

91. Section 21 of the said Act is repealed.

92. In their application to a person who is, on the day on which this Act is assented to, a person required by section 5 of the said Act to contribute to the fund established under the said Act, sections 89 and 90 shall be deemed to have come into force on the 1st day of January, 1966.

CANADIAN CORPORATION FOR THE 1967 WORLD EXHIBITION ACT.

1962-63, c. 12;
1963, c. 32.

93. (1) Subsection (4) of section 8 of the *Canadian Corporation for the 1967 World Exhibition Act* is repealed and the following substituted therefor: 1963, c. 32,
s. 7(1).

"(4) The Corporation shall be deemed to be a Public Service corporation for the purposes of section 23 of the *Public Service Superannuation Act*, but an officer or employee of the Corporation is not required to contribute to the Superannuation Account established under that Act, by reservation from salary or otherwise, unless designated by the Minister of Finance individually or as a member of a class." Application of
Public
Service Super-
annuation
Act.

(2) Nothing in subsection (4) of section 8 of the said Act as amended by subsection (1) shall be construed so as to affect any officer or employee of the Canadian Corporation for the 1967 World Exhibition who, on the day this Act is assented to, is a person required by the said Act to contribute to the Superannuation Account established under the *Public Service Superannuation Act*.

GENERAL.

94. (1) There shall be charged to the Consolidated Revenue Fund and credited to the Canada Pension Plan Account an amount equal to the contributions required to be made by Her Majesty in right of Canada as employer's

contributions under the *Canada Pension Plan* in respect of persons in employment under Her Majesty in right of Canada that is not excepted employment under that Act.

(2) There shall be charged to the Consolidated Revenue Fund and paid to the appropriate authority in a province with which an agreement has been entered into under subsection (3) of section 4 of the *Canada Pension Plan*, an amount equal to the contributions required to be paid by Her Majesty in right of Canada under that agreement as an employer's contributions in respect of persons employed by Her Majesty in right of Canada in employment designated in the agreement.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 45

An Act to authorize the making of contributions by Canada towards the cost of programs for the provision of assistance and welfare services to and in respect of persons in need.

[Assented to 15th July, 1966.]

WHEREAS the Parliament of Canada, recognizing that the provision of adequate assistance to and in respect of persons in need and the prevention and removal of the causes of poverty and dependence on public assistance are the concern of all Canadians, is desirous of encouraging the further development and extension of assistance and welfare services programs throughout Canada by sharing more fully with the provinces in the cost thereof;

Preamble.

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canada Assistance Plan*.
- Short title.

INTERPRETATION.

2. In this Act,
- (a) "assistance" means aid in any form to or in respect of persons in need for the purpose of providing or providing for all or any of the following:
- (i) food, shelter, clothing, fuel, utilities, household supplies and personal requirements (hereinafter referred to as "basic requirements"),
- Definitions.
"Assistance."

- (ii) prescribed items incidental to carrying on a trade or other employment and other prescribed special needs of any kind,
- (iii) care in a home for special care,
- (iv) travel and transportation,
- (v) funerals and burials,
- (vi) health care services,
- (vii) prescribed welfare services purchased by or at the request of a provincially approved agency, and
- (viii) comfort allowances and other prescribed needs of residents or patients in hospitals or other prescribed institutions;

"Child welfare authority."

- (b) "child welfare authority" means any provincially approved agency that has been designated by or under the provincial law or by the provincial authority for the purpose of administering or assisting in the administration of any law of the province relating to the protection and care of children;

"Health care services."

- (c) "health care services" means medical, surgical, obstetrical, optical, dental and nursing services, and includes drugs, dressings, prosthetic appliances and any other items or health services necessary to or commonly associated with the provision of any such specified services, but does not include insured services within the meaning of the *Hospital Insurance and Diagnostic Services Act* or any other prescribed hospital care services;

"Home for special care."

- (d) "home for special care" means a residential welfare institution that is of a kind prescribed for the purposes of this Act as a home for special care, and that is listed in a schedule to an agreement under section 4, but does not include a hospital, correctional institution or institution whose primary purpose is education, other than that part of a hospital that is used as a residential welfare institution and that is listed in a schedule to an agreement under section 4;

"Minister."

- (e) "Minister" means the Minister of National Health and Welfare;

"Municipality."

- (f) "municipality" means an incorporated city, metropolitan authority, town, village, township, district or rural municipality or other incorporated municipal body however designated, and includes any other local govern-

ment body that is established by or under a law of a province and that is prescribed for the purposes of this Act as a municipality;

(g) "person in need" means

"Person in need."

(i) a person who, by reason of inability to obtain employment, loss of the principal family provider, illness, disability, age or other cause of any kind acceptable to the provincial authority, is found to be unable (on the basis of a test established by the provincial authority that takes into account that person's budgetary requirements and the income and resources available to him to meet such requirements) to provide adequately for himself, or for himself and his dependants or any of them, or

(ii) a person under the age of twenty-one years who is in the care or custody or under the control or supervision of a child welfare authority, or a person who is a foster child as defined by regulation,

and for the purposes of subparagraph (v) of paragraph (a) includes a deceased person who was a person described in subparagraph (i) or (ii) at the time of his death or who, although not such a person at the time of his death, would have been found to be such a person if an application for assistance to or in respect of him had been made immediately before his death;

(h) "prescribed" means prescribed by regulation;

"Pre-scribed."
"Provincial authority."

(i) "provincial authority" means the provincial Minister or other official or body specified by the province in an agreement entered into under section 4 as being charged with the administration of the provincial law;

(j) "provincial law" means the Acts of the legislature of a province that provide for

"Provincial law."

(i) assistance, or

(ii) welfare services in the province, under conditions consistent with the provisions of this Act and the regulations, and includes any regulations made under those Acts;

(k) "provincially approved agency" means any department of government, person or agency, including a private non-profit agency, that is authorized by or under the provincial law or by the provincial authority to accept applications for assistance, determine eligibility

"Provincially approved agency."

"Regulation."

"Welfare services."

for assistance, provide or pay assistance or provide welfare services and that is listed in a schedule to an agreement under section 4;

(l) "regulation" means a regulation made by the Governor in Council under this Act;

(m) "welfare services" means services having as their object the lessening, removal or prevention of the causes and effects of poverty, child neglect or dependence on public assistance, and, without limiting the generality of the foregoing, includes

(i) rehabilitation services,

(ii) casework, counselling, assessment and referral services,

(iii) adoption services,

(iv) homemaker, day-care and similar services,

(v) community development services,

(vi) consulting, research and evaluation services with respect to welfare programs, and

(vii) administrative, secretarial and clerical services, including staff training, relating to the provision of any of the foregoing services or to the provision of assistance,

but does not include any service relating wholly or mainly to education, correction or any other matter prescribed by regulation or, except for the purposes of paragraph (a), any service provided by way of assistance;

"Welfare services provided in the province."

(n) "welfare services provided in the province" means welfare services provided in the province pursuant to the provincial law to or in respect of persons in need or persons who are likely to become persons in need unless such services are provided; and

"Year."

(o) "year" means a twelve-month period ending on the thirty-first day of March.

PART I.

GENERAL ASSISTANCE AND WELFARE SERVICES.

Definitions.

"Agreement."

"Contribution."

3. In this Part,

(a) "agreement" means an agreement made under section 4; and

(b) "contribution" means an amount payable by Canada under an agreement.

AGREEMENT AUTHORIZED.

- 4.** Subject to this Act, the Minister may, with the approval of the Governor in Council, enter into an agreement with any province to provide for the payment by Canada to the province of contributions in respect of the cost to the province and to municipalities in the province of
- (a) assistance provided by or at the request of provincially approved agencies, and
 - (b) welfare services provided in the province by provincially approved agencies,
- pursuant to the provincial law.

Agreement
for sharing
assistance
and welfare
services
costs
authorized.

CONTRIBUTIONS.

- 5.** (1) The contributions payable to a province under an agreement shall be paid in respect of each year and shall be the aggregate of
- (a) fifty per cent of the cost to the province and to municipalities in the province in that year of assistance provided by or at the request of provincially approved agencies; and
 - (b) fifty per cent of either
 - (i) the amount by which
 - (A) the cost to the province and to municipalities in the province in that year of welfare services provided in the province by provincially approved agencies exceeds
 - (B) the total of
 1. the cost to the province, in the fiscal year of the province coinciding with or ending in the period commencing April 1, 1964 and ending March 31, 1965, of welfare services provided in the province, and
 2. the cost to municipalities in the province, in the fiscal years of such municipalities coinciding with or ending in the period commencing April 1, 1964 and ending March 31, 1965, of welfare services provided in the province,
 - or
 - (ii) the cost to the province and to municipalities in the province in that year of the employment by provincially approved

Amount of
contribu-
tions.

agencies of persons employed by such agencies

(A) wholly or mainly in the performance of welfare services functions, and

(B) in positions filled after March 31, 1965, at the election of the province made at such time or times and in such manner as may be prescribed.

Costs
excluded.

- (2) In this section, "cost" does not include,
- (a) with respect to assistance, any capital cost as defined by regulation for the purposes of this paragraph;
 - (b) with respect to welfare services, any capital cost or any plant or equipment operating cost as defined by regulation for the purposes of this paragraph;
 - (c) any cost that Canada has shared or is required to share in any manner with the province, or that Canada has borne or is required to bear, pursuant to any other Part or pursuant to any Act of the Parliament of Canada passed before or after the coming into force of this Act; or
 - (d) any cost of insurance premiums or of co-insurance or similar charges relating to the provision of
 - (i) insured services within the meaning of the *Hospital Insurance and Diagnostic Services Act*, or
 - (ii) health or medical care services, if at the time the cost is incurred there is in force an Act of the Parliament of Canada other than this Act, pursuant to which Canada is required to share in any manner with the province the cost of providing those services to the general public.

Cost of
welfare
services
provided
under
National
Welfare
Grants
projects
included,

(3) Notwithstanding paragraph (c) of subsection (2), the cost to the province and to municipalities in the province in a year of welfare services provided in the province as or as part of a project (other than a demonstration or research project as defined by regulation) approved by the Minister pursuant to the rules made by the Governor in Council for the purposes of the National Welfare Grants program, shall be included for that year for the purposes of, and be deemed to be a cost within the meaning of, either clause (A) of subparagraph (i) of paragraph (b) of subsection (1) or subparagraph (ii) of paragraph (b) of subsection (1), depending upon the election made by the province under paragraph (b) of subsection (1), if

Canada has not previously made a payment to the province with respect to such cost.

(4) Where any cost is included for the purposes of clause (A) of subparagraph (i) of paragraph (b) of subsection (1) or subparagraph (ii) of paragraph (b) of subsection (1) by virtue of subsection (3), Canada shall be deemed for the purposes of the rules made by the Governor in Council for the purposes of the National Welfare Grants program to have satisfied all of its obligations to the province with respect to such cost.

Obligation to province satisfied.

(5) The cost to the province and to municipalities in the province of health care services provided in the year ending March 31, 1967 to a person who is in receipt of

Health care services not excluded because test not given.

- (a) assistance, an allowance or a pension, as the case may be, within the meaning of the *Old Age Assistance Act*, the *Blind Persons Act*, the *Disabled Persons Act* or the *Old Age Security Act*,
- (b) a payment from the province by way of mothers' allowance, widow's pension or disability pension, or
- (c) any other prescribed welfare payment from the province,

shall not for the purposes of paragraph (a) of subsection (1) be excluded by reason only that the test contemplated by subparagraph (i) of paragraph (g) of section 2 was not applied in respect of such person before the services were provided to him, if such test is applied in respect of him thereafter in that year, on the basis of which he is found to be unable to provide adequately for himself, or for himself and his dependants or any of them.

TERMS OF AGREEMENT.

- 6. (1) An agreement
 - (a) shall include schedules for the purposes of paragraphs (d) and (k) of section 2 and a schedule listing the Acts of the legislature of the province referred to in paragraph (j) of section 2;
 - (b) shall provide for the exchange between Canada and the province of statistical and other information relating to the administration and operation of this Act and the provincial law;
 - (c) may provide that any home for special care or any provincially approved agency that is listed in a schedule to an agreement shall be deemed to have been so listed as of any specified day before the agreement is made; and

Provisions to be included in agreements.

Under-
takings by
provinces.

province

(d) shall contain such other terms and conditions as the Minister and the province may agree upon or as the regulations may require.

(2) An agreement shall provide that the

(a) will provide financial aid or other assistance to or in respect of any person in the province who is a person in need described in subparagraph (i) of paragraph (g) of section 2, in an amount or manner that takes into account his basic requirements;

(b) will, in determining whether a person is a person described in paragraph (a) and the assistance to be provided to such person, take into account such person's budgetary requirements and the income and resources available to him to meet them;

(c) will continue, as may be necessary and expedient, the development and extension of welfare services in the province;

(d) will not require a period of residence in the province as a condition of eligibility for assistance or for the receipt or continued receipt thereof;

(e) will ensure the provision by law, not later than one year from the effective date of the agreement, of a procedure for appeals from decisions of provincially approved agencies with respect to applications for assistance or the granting or providing of assistance by persons directly affected by such decisions;

(f) will ensure the maintenance and availability, for examination and audit by the Minister or any person designated by him, of such records and accounts respecting the provision of assistance and welfare services in the province as the agreement or the regulations may require; and

(g) will provide the Minister with copies of all Acts of the legislature of the province referred to in paragraph (j) of section 2 and of all regulations made under those Acts.

(3) An agreement shall provide that Canada

(a) will pay to the province the contributions or advances on account thereof that Canada is authorized to pay to the province under this Act and the regulations;

(b) will make available to the province, from time to time, statistical and other general reports and studies prepared by or under the direction

Under-
takings by
Canada.

- of the Minister relating to assistance or welfare services programs or to related programs; and
- (c) at the request of the provincial authority, will make available to the province where feasible, through the facilities of the Department of National Health and Welfare, consultative services with respect to the development and operation of assistance and welfare services programs.

PAYMENT OF CONTRIBUTIONS.

7. (1) Contributions or advances on account thereof shall be paid, upon the certificate of the Minister, by the Minister of Finance out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed, but all such payments are subject to the conditions specified in this Part and in the regulations and to the observance of the agreements and undertakings contained in an agreement.

Payment of contributions.

(2) No payment shall be made to a province under this Part in respect of any cost incurred before April 1, 1966.

Costs incurred before April 1, 1966.

OPERATION OF AGREEMENTS.

8. (1) Every agreement shall continue in force so long as the provincial law remains in operation.

Duration of agreements.

(2) Notwithstanding subsection (1),

- (a) an agreement may, with the approval of the Governor in Council, be amended or terminated at any time by mutual consent of the Minister and the province;
- (b) any schedule to an agreement may be amended at any time by mutual consent of the Minister and the province;
- (c) the province may at any time give to Canada notice of intention to terminate an agreement; and
- (d) Canada may, at any time on or after the 31st day of March, 1969, give to the province notice of intention to terminate an agreement;

Amendments and termination.

and, where notice of intention to terminate is given in accordance with paragraph (c) or (d), the agreement shall cease to be effective for any period after the day fixed in the notice or for any period after the expiration of one year from the day upon which the notice is given, whichever is the later.

REGULATIONS.

9. (1) The Governor in Council may make regulations providing for any matters concerning which he

Regulations.

deems regulations are necessary to carry out the purposes and provisions of this Part and, without limiting the generality of the foregoing, may make regulations

- (a) for the administration of this Part and of agreements;
- (b) prescribing or defining anything that by section 2 or this Part is to be prescribed or defined by regulation;
- (c) defining the expressions "personal requirements", "budgetary requirements", "community development services", "wholly or mainly in the performance of welfare services functions" and "positions filled after March 31, 1965";
- (d) for the purposes of section 5 or any of the provisions of that section, defining the expression "cost to the province and to municipalities in the province" and prescribing the manner in which such cost is to be determined;
- (e) for the purposes of clause (B) of subparagraph (i) of paragraph (b) of subsection (1) of section 5, defining the expressions "cost to the province" and "cost to municipalities in the province" and prescribing the manner in which such costs are to be determined;
- (f) adapting, modifying or extending, for the purposes of clause (B) of subparagraph (i) of paragraph (b) of subsection (1) of section 5 and either generally or in respect of a particular province, the definitions of "welfare services" and "welfare services provided in the province" as set out in paragraphs (m) and (n) respectively of section 2; and
- (g) respecting the payment to a province of advances on account of any amount that may become payable to the province pursuant to this Part, the adjustment of other payments by reason of such advances and the recovery of overpayments.

Alteration of regulations.

(2) No regulation that has the effect of altering any of the agreements or undertakings contained in an agreement entered into under this Part with a province, or that affects the method of payment or amount of payments thereunder, shall be effective in respect of that province unless the province has consented to the making of such regulation.

PART II.

INDIAN WELFARE.

- 10.** In this Part,
- (a) the words "band", "council", "Indian" and "reserve" have the same meaning as in the *Indian Act*;
 - (b) "Indian to whom this Part applies" in relation to any province means an Indian
 - (i) who is resident on a reserve in the province,
 - (ii) who is resident on land in the province the legal title to which is vested in Her Majesty or on land in any territory in the province that is without municipal organization, or
 - (iii) who is resident in the province and is designated by the Minister charged with the administration of the *Indian Act* as an Indian to whom this Part applies,
 but does not include an Indian who is designated in or under an agreement entered into with the province pursuant to section 11 as an Indian to whom this Part does not apply; and
 - (c) "provincial welfare program" means a welfare program administered by the province, by a municipality in the province or privately, to which public money of the province is or may be contributed and that is applicable or available generally to residents of the province.

Definitions.

"Band",
 "council",
 "Indian",
 and
 "reserve."
 "Indian to
 whom this
 Part applies."

"Provin-
 cial welfare
 program."

11. (1) The Minister and the Minister charged with the administration of the *Indian Act* may, with the approval of the Governor in Council, enter into an agreement with a province with respect to the extension of provincial welfare programs to Indians to whom this Part applies and for the payment by Canada to the province of any portion of the cost to the province of extending provincial welfare programs to such Indians.

Agreements
 authorized.

(2) An agreement entered into under subsection (1) shall provide for the extension of a provincial welfare program to a member of an Indian band who ordinarily resides with that band, only with the consent of the council of that band signified in such manner as may be prescribed by the Governor in Council.

Consent of
 council of
 Indian band
 required.

12. (1) Where an agreement has been entered into with a province pursuant to section 11, the Minister of Finance shall, upon the certificate of the Minister, pay to the province out of the Consolidated Revenue Fund, when and

Payments
 to
 provinces.

in the manner required by the agreement, such amounts as are required to fulfil the obligations of Canada to the province under the agreement, but all such payments are subject to the observation of the agreements and undertakings contained in the agreement.

(2) No payment shall be made to a province under this Part in respect of any cost incurred before April 1, 1966.

Costs incurred before April 1, 1966.

Where no agreement in effect.

13. Where, in the case of any province, no agreement is in effect pursuant to section 11, nothing in an agreement entered into with the province under Part I shall be construed to require the provision of assistance or welfare services to or in respect of any Indian to whom this Part applies.

PART III.

WORK ACTIVITY PROJECTS.

Definitions.
"Work activity project."

- 14.** In this Part,
- (a) "work activity project" means a project the purpose of which is to prepare for entry or return to employment, persons in need or likely to become persons in need who, because of environmental, personal or family reasons, have unusual difficulty in obtaining or holding employment or in improving, through participation in technical or vocational training programs or rehabilitation programs, their ability to obtain or hold employment; and
 - (b) "participant" means any person described in paragraph (a) who takes part in a work activity project.

Agreements authorized.

15. (1) Subject to this Part, the Minister may, after consultation with the Minister of Manpower and Immigration and with the approval of the Governor in Council, enter into an agreement with any province with which an agreement under Part I is in effect, to provide for the payment by Canada to the province of an amount equal to fifty per cent of the cost of a work activity project undertaken in the province.

"Cost" defined.

(2) In this section, "cost" of a work activity project means the cost to the province and to municipalities in the province of

- (a) salaries, wages or other remuneration paid to persons for services performed with respect to the operation or maintenance of the work activity project,

- (b) travelling and living expenses paid to persons performing services away from their ordinary places of residence with respect to the operation or maintenance of the work activity project, and

- (c) allowances paid to participants,

but does not include any cost that Canada has shared or is required to share in any manner with the province pursuant to Part II.

(3) Every agreement made pursuant to this section shall

Provisions to be included in agreements.

- (a) provide that no person shall be denied assistance because he refuses or has refused to take part in a work activity project;

- (b) provide that welfare services shall be made available as required to participants;

- (c) provide that allowances may be paid to participants;

- (d) provide that a participant shall be eligible for assistance if, notwithstanding any allowance that he receives as a participant, he is a person in need;

- (e) specify the agency that shall be responsible for the undertaking, operation or maintenance of any work activity project or of any part thereof; and

- (f) contain such other terms and conditions as the regulations may require.

16. (1) Where an agreement has been entered into with a province pursuant to section 15, the Minister of Finance shall, upon the certificate of the Minister, pay to the province out of the Consolidated Revenue Fund, at such times and in such manner as may be prescribed by the regulations or the agreement, such amounts as are required to fulfil the obligations of Canada to the province under the agreement, but all such payments are subject to the conditions specified in this Part and in the regulations and to the observance of the agreements and undertakings contained in the agreement.

Payments to provinces.

(2) No payment shall be made to a province under this Part in respect of any cost incurred before April 1, 1966.

Costs incurred before April 1, 1966.

17. The Governor in Council may, on the joint recommendation of the Minister and the Minister of Manpower and Immigration, make regulations providing for any matters concerning which he deems regulations are necessary to carry out the purposes and provisions of this Part.

Regulations.

PART IV.

GENERAL.

INCLUSION OF MOTHERS' ALLOWANCES FOR
PURPOSES OF UNEMPLOYMENT ASSISTANCE ACT.

Definitions.

18. (1) In this section, the "said Act" means the *Unemployment Assistance Act* and all other words and expressions have the same meaning as in that Act.

Inclusion of
mothers'
allowances.

(2) Where a province with which an agreement has been made under the said Act gives notice in writing to the Minister that it desires that payments made to persons after March 31, 1966 by way of mothers' allowances be included in unemployment assistance costs for the purposes of the said Act and the agreement, the said Act shall be read and construed, in respect of the agreement with that province, as though

(a) paragraph (c) of subsection (2) of section 4 thereof, and

(b) subparagraph (c) of paragraph 1, subparagraph (c) of paragraph 7 and paragraphs 10, 11 and 12 of the agreement set out in the Schedule thereto

ceased to have effect on that date, and the agreement with that province shall be construed as though all provisions thereof based on the provisions specified in paragraphs (a) and (b) ceased to have effect on that date.

Revised
reimburse-
ment
claim.

(3) A province that has given notice under subsection (2) shall, with respect to each month after March 31, 1966 for which it has submitted a reimbursement claim before the coming into force of this Act, submit a revised reimbursement claim showing for each such month the information that the reimbursement claim for each such month would have been required to contain had it been based on the reading and construction of the said Act and the agreement with that province that is required by subsection (2).

Supplemen-
tary
payment.

(4) Upon the receipt, from a province that has given notice under subsection (2), of a revised reimbursement claim for a month prepared as required by subsection (3), Canada shall pay to the province fifty per cent of the amount by which such revised reimbursement claim exceeds the reimbursement claim submitted by the province for that month.

EXTENSION OF ESTABLISHED PROGRAMS (INTERIM ARRANGEMENTS) ACT TO CANADA ASSISTANCE PLAN.

19. (1) This section applies only to a province that had before the coming into force of this Act entered into a supplementary agreement under the *Established Programs (Interim Arrangements) Act* (hereinafter in this section referred to as the "said Act"), in relation to the special welfare program referred to in that Act. Application of section.

(2) For any period before April 1, 1970 to which an agreement under Part I with a province to which this section applies extends, the said Act shall, in respect of the special welfare program referred to in that Act and in respect of that province only, be deemed to be amended as follows: Statutory amendments.

- (a) section 5 of the said Act shall be deemed not to apply;
- (b) paragraph (b) of subsection (2) of section 6 of the said Act shall be deemed to read as follows:

“(b) four units in the case of the special welfare program;” and

- (c) for the purposes of sections 6 to 9 of the said Act, paragraph 2 of Schedule I thereof shall be deemed to contain, as subparagraph (e) thereof, a reference to “assistance and welfare services under the *Canada Assistance Plan*”.

(3) Notwithstanding any provision of Part I, an agreement under that Part with a province to which this section applies shall provide that Canada is under no obligation to make any contribution or payment to the province by reason of the provisions of that Part or the agreement in respect of any period before April 1, 1970, except as provided by the said Act as it is deemed to be amended by subsection (2). Limitation on obligation to make contribution or payment.

REPORT TO PARLIAMENT.

20. The Minister shall, as soon as possible after the end of each year, prepare a report respecting the operation for that year of the agreements made under this Act and the payments made to the provinces under each of the agreements, and shall cause such report to be laid before Parliament forthwith upon the completion thereof if Parliament is then sitting, or if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. Annual report.

PART V.

AMENDMENTS TO OTHER ACTS.

AMENDMENTS TO OLD AGE ASSISTANCE ACT.

R.S., c. 199;
1957-58,
c. 6;
1962, c. 4;
1963, c. 26.
1963, c. 26,
s. 1(2).

21. Subsection (2) of section 3 of the *Old Age Assistance Act* is amended by striking out the word "and" at the end of paragraph (b) thereof and by adding thereto the following paragraphs:

- "(d) has made application on or before the date specified in a notice given by the province as described in subsection (3) or (7) of section 9; and
- (e) is not a person whose assistance has at any time been discontinued by the province pursuant to subsection (5) of section 9."

22. Section 9 of the said Act is amended by adding thereto the following subsections:

Province
may give
notice.

"(3) Notwithstanding subparagraph (i) of paragraph (d) of section 7, at any time after a province that is party to an agreement has entered into or stated in a written notice to the Minister that it intends to enter into an agreement under section 4 of the *Canada Assistance Plan*, the province may give notice in writing to the Minister that, after a date specified in the notice, the provincial authority will not consider applications made after the specified date.

Provisions
inappli-
cable and
agreement
deemed
amended.

(4) Where a notice as described in subsection (3) has been given by a province, subparagraph (i) of paragraph (d) of section 7 shall not apply to that province in respect of applications made after the date specified in the notice and the agreement with the province shall be deemed to be so amended.

Province
may dis-
continue
payment of
assistance.

(5) Subject to subsection (6), but notwithstanding any other provision of this Act, the regulations or an agreement, the province may discontinue payment of assistance to a recipient who is properly and lawfully entitled thereto, if the province has entered into an agreement under section 4 of the *Canada Assistance Plan* and the recipient is granted comparable assistance in accordance with that agreement at or before the time of the discontinuance.

Undertaking
to grant
comparable
assistance.

(6) A province shall not discontinue the payment of assistance to recipients pursuant to subsection (5) unless, before such discontinuance, the province, by

notice in writing to the Minister, has undertaken that in the event of such discontinuance it will grant comparable assistance to the recipients as contemplated by subsection (5).

- (7) Where a province that is party to an agreement
- (a) has at any time before April 1, 1967 entered into or stated in a written notice to the Minister that it intends to enter into an agreement under section 4 of the *Canada Assistance Plan*, and
- (b) between March 31, 1966 and the day on which the *Canada Assistance Plan* came into force, gave public notice of its intention not to consider applications after a specified date,

Where province has given public notice.

this Act and the agreement with that province shall be construed as though any provisions thereof that require the province to consider applications from persons resident in the province ceased to apply to that province as of the specified date."

R.S., c. 17;
1955, c. 26;
1957-58,
c. 4;
1962, c. 2;
1963, c. 26,
s. 3(2).

AMENDMENTS TO BLIND PERSONS ACT.

23. Subsection (2) of section 3 of the *Blind Persons Act* is amended by striking out the word "and" at the end of paragraph (b) thereof and by adding thereto the following paragraphs:

- "(d) has made application on or before the date specified in a notice given by the province as described in subsection (3) or (7) of section 9; and
- (e) is not a person whose allowance has at any time been discontinued by the province pursuant to subsection (5) of section 9."

24. Section 9 of the said Act is amended by adding thereto the following subsections:

"(3) Notwithstanding subparagraph (i) of paragraph (c) of section 7, at any time after a province that is party to an agreement has entered into or stated in a written notice to the Minister that it intends to enter into an agreement under section 4 of the *Canada Assistance Plan*, the province may give notice in writing to the Minister that, after a date specified in the notice, the provincial authority will not consider applications made after the specified date.

Province may give notice.

(4) Where a notice as described in subsection (3) has been given by a province, subparagraph (i) of paragraph (c) of section 7 shall not apply to that province in respect of applications made after the date

Provisions inapplicable and agreement deemed amended.

specified in the notice and the agreement with the province shall be deemed to be so amended.

Province
may dis-
continue
payment of
assistance.

(5) Subject to subsection (6), but notwithstanding any other provision of this Act, the regulations or an agreement, the province may discontinue payment of an allowance to a recipient who is properly and lawfully entitled thereto, if the province has entered into an agreement under section 4 of the *Canada Assistance Plan* and the recipient is granted comparable assistance in accordance with that agreement at or before the time of the discontinuance.

Undertaking
to grant
comparable
assistance.

(6) A province shall not discontinue the payment of allowances to recipients pursuant to subsection (5) unless, before such discontinuance, the province, by notice in writing to the Minister, has undertaken that in the event of such discontinuance it will grant comparable assistance to the recipients as contemplated by subsection (5).

Where
province has
given public
notice.

(7) Where a province that is party to an agreement

(a) has at any time before April 1, 1967 entered into or stated in a written notice to the Minister that it intends to enter into an agreement under section 4 of the *Canada Assistance Plan*, and

(b) between March 31, 1966 and the day on which the *Canada Assistance Plan* came into force, gave public notice of its intention not to consider applications after a specified date,

this Act and the agreement with that province shall be construed as though any provisions thereof that require the province to consider applications from persons resident in the province ceased to apply to that province as of the specified date."

1953-54,
c. 55;
1957-58, c. 5;
1962, c. 3;
1963, c. 26.
1963, c. 26,
s. 2(2).

AMENDMENTS TO DISABLED PERSONS ACT.

25. Subsection (2) of section 3 of the *Disabled Persons Act* is amended by striking out the word "and" at the end of paragraph (f) thereof and by adding thereto the following paragraphs:

"(h) has made application on or before the date specified in a notice given by the province as described in subsection (3) or (7) of section 9; and

(i) is not a person whose allowance has at any time been discontinued by the province pursuant to subsection (5) of section 9."

26. Section 9 of the said Act is amended by adding thereto the following subsections:

“(3) Notwithstanding subparagraph (i) of paragraph (d) of section 7, at any time after a province that is party to an agreement has entered into or stated in a written notice to the Minister that it intends to enter into an agreement under section 4 of the *Canada Assistance Plan*, the province may give notice in writing to the Minister that, after a date specified in the notice, the provincial authority will not consider applications made after the specified date.

Province
may give
notice.

(4) Where a notice as described in subsection (3) has been given by a province, subparagraph (i) of paragraph (d) of section 7 shall not apply to that province in respect of applications made after the date specified in the notice and the agreement with the province shall be deemed to be so amended.

Provisions
inapplicable
and
agreement
deemed
amended.

(5) Subject to subsection (6), but notwithstanding any other provision of this Act, the regulations or an agreement, the province may discontinue payment of an allowance to a recipient who is properly and lawfully entitled thereto, if the province has entered into an agreement under section 4 of the *Canada Assistance Plan* and the recipient is granted comparable assistance in accordance with that agreement at or before the time of the discontinuance.

Province
may dis-
continue
payment of
assistance.

(6) A province shall not discontinue the payment of allowances to recipients pursuant to subsection (5) unless, before such discontinuance, the province, by notice in writing to the Minister, has undertaken that in the event of such discontinuance it will grant comparable assistance to the recipients as contemplated by subsection (5).

Undertak-
ing to grant
comparable
assistance.

(7) Where a province that is party to an agreement

Where
province
has given
public notice.

(a) has at any time before April 1, 1967 entered into or stated in a written notice to the Minister that it intends to enter into an agreement under section 4 of the *Canada Assistance Plan*, and
(b) between March 31, 1966 and the day on which the *Canada Assistance Plan* came into force, gave public notice of its intention not to consider applications after a specified date,
this Act and the agreement with that province shall be construed as though any provisions thereof that require

the province to consider applications from persons resident in the province ceased to apply to that province as of the specified date."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 46

An Act to amend the Canadian Corporation for the 1967
World Exhibition Act.

[Assented to 15th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1962-63, c. 12;
1963, c. 32.

1. (1) Paragraph (a) of subsection (3) of section 18A of the *Canadian Corporation for the 1967 World Exhibition Act* is repealed and the following substituted therefor: 1963, c. 32,
s. 9.

“(a) goods or wares, when it is marked on or on any package containing goods or wares or when it is used or displayed in the course of selling, distributing or advertising goods or wares, and”

(2) Subsection (4) of section 18A of the said Act is repealed and the following substituted therefor: 1963, c. 32,
s. 9.

“(4) Notwithstanding anything in this section, a word or an abbreviation of a word is not a mark of the Corporation within the meaning of this section and is not a word or abbreviation resembling such a mark if it is established that such word or abbreviation is used or displayed in such a manner that it cannot reasonably be construed as indicating or implying a reference to the Exhibition.” Exception.

(3) Section 18A of the said Act is further amended by adding thereto, immediately after subsection (5) thereof, the following subsection:

“(5a) In any action or suit in which an injunction is sought pursuant to subsection (5), it shall be presumed Presumption
of injury.

that any contravention of this section will occasion immediate and irreparable injury to the Corporation."

2. The said Act is further amended by adding thereto, immediately after section 18A thereof, the following section:

Where copy-right vests in Corporation.

"18B. (1) For the purposes of and notwithstanding the *Copyright Act*, copyright in any model, painting, drawing, engraving, photograph or other reproduction (a) made of any artistic work, as defined in that Act, while that artistic work is located on the site of the Exhibition, or (b) made of the site of the Exhibition or of any part thereof,

is hereby vested in the Corporation and the Corporation shall be deemed to be the owner of the copyright therein.

Term for which copy-right vests.

(2) The term for which copyright vests in the Corporation for the purposes of this section ends on the 28th day of October, 1967, and thereupon copyright in the works by this section vested in the Corporation shall revest and subsist, in accordance with the provisions of the *Copyright Act*, in the persons who, but for this section, would be the owners thereof.

Exception.

(3) Notwithstanding subsection (2), any action, suit or other legal proceeding commenced on or before the 28th day of October, 1967, or any appeal or appeals from judgment therein, shall not be affected by reason of the revesting of copyright as provided in that subsection.

Where copy-right deemed infringed, etc.

(4) In any action for infringement of or other legal proceeding respecting copyright by this section vested in the Corporation,

(a) any copy of a work that is made or displayed for sale, sold or distributed in a form or manner containing, indicating or implying a reference to the Exhibition shall, unless the contrary is proved, be presumed to be an infringing copy; and

(b) immediate and irreparable injury to the Corporation and its copyright shall be presumed.

Application of provisions of *Copyright Act*.

(5) Except as otherwise provided in this section, all of the provisions of the *Copyright Act* apply *mutatis mutandis* to the copyright of which the Corporation is by this section deemed to be the owner."

14-15 ELIZABETH II.

CHAP. 47

An Act to amend the Income Tax Act.

[Assented to 15th July, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraphs (qb) and (qc) of subsection (1) of section 11 of the *Income Tax Act* are repealed and the following substituted therefor:

“(qb) where a taxpayer was during the year a student in full-time attendance at a university outside Canada in a course leading to a degree, the amount of any fees for his tuition paid to the university in respect of a period not exceeding 12 months commencing in the year and not included in the calculation of a deduction under this subsection for a previous year except any such fees

(i) paid in respect of a course of less than 13 consecutive weeks' duration; or

(ii) paid on his behalf by his employer to the extent that the amount thereof exceeds an amount included in his income for the year in which such payment was made in respect of such payment;

(qc) where a taxpayer was during the year a student enrolled at an educational institution in Canada

(i) that is a university, college or other educational institution providing courses at a post-secondary school level,

(ii) that is a school operated by or on behalf of Her Majesty in right of Canada or a province, a municipality in Canada, or a municipal or public body performing a function of government in Canada,

R.S., c. 148,
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55;
1956, c. 39;
1957, c. 29;
1957-58, c. 17;
1958, c. 32;
1959, c. 45;
1960, c. 43;
1960-61,
cc. 17, 49;
1962-63, c. 8;
1963, cc. 21,
41;
1964-65,
cc. 13, 26, 54;
1965, cc. 12,
18.

- (iii) that is a high school or secondary school providing courses leading to a secondary school certificate or diploma that is a requirement for entrance to a college or university, or
- (iv) that is certified by the Minister of Labour to be an educational institution by which courses are conducted that provide or improve the qualifications of a person for employment or for the carrying on of a business or profession,

the amount of any fees for his tuition paid to the educational institution in respect of a period not exceeding 12 months commencing in the year and not included in the calculation of a deduction under this subsection for a previous year, if such amount exceeds \$25, but where such amount was paid on his behalf by his employer, only the part thereof that does not exceed the amount included in his income for the year in which such payment was made in respect of such payment;”

(2) Paragraphs (qb) and (qc) of subsection (1) of section 11 of the said Act, as enacted by subsection (1) of this section, are applicable to the 1966 and subsequent taxation years.

2. Paragraph (c) of subsection (5) of section 20 of the said Act is amended by striking out the word “and” at the end of subparagraph (iii) thereof, by adding the word “and” at the end of subparagraph (iv) thereof and by adding thereto the following subparagraph:

- “(v) an amount by which the liability of a taxpayer to a mortgagee is reduced as a result of foreclosure of his interest in property that is mortgaged or as a result of the sale of that property under a provision of the mortgage, plus any amount received by the taxpayer out of the proceeds of such sale;”

3. (1) Paragraph (a) of subsection (1) of section 27 of the said Act is repealed and the following substituted therefor:

- “(a) the aggregate of gifts made by the taxpayer in the year (and in the immediately preceding year, to the extent of the amount thereof that

was not deductible under this Act in computing the taxable income of the taxpayer for that immediately preceding year) to

- (i) registered Canadian charitable organizations,
- (ii) housing corporations resident in Canada and exempt from tax under this Part by paragraph (ga) of subsection (1) of section 62,
- (iii) Her Majesty in right of the provinces and Canadian municipalities,
- (iv) the United Nations or agencies thereof,
- (v) universities outside Canada prescribed to be universities the student body of which ordinarily includes students from Canada, and
- (vi) charitable organizations outside Canada to which Her Majesty in right of Canada has made a gift during the taxpayer's taxation year or the 12 months immediately preceding that taxation year,

not exceeding 10% of the income of the taxpayer for the year, if payment of the amounts given is proven by filing receipts with the Minister that, in the case of donations to registered Canadian charitable organizations, contain prescribed information;"

(2) All that portion of subsection (3) of section 27 of the said Act following paragraph (b) thereof is repealed and the following substituted therefor:

"a gift made by him in the year to a religious, charitable, scientific, literary or educational organization created or organized in or under the law of the United States that would be allowed as a deduction under the United States Internal Revenue Code shall, for the purpose of paragraph (a) of subsection (1), be deemed to have been made to a registered Canadian charitable organization."

(3) Section 27 of the said Act is further amended by adding thereto, immediately after subsection (3a) thereof, the following subsections:

"(3b) In respect of a year after 1966, "registered Canadian charitable organization" means

- (a) a charitable organization in Canada exempt from tax under this Part by paragraph (e) of

"Registered Canadian charitable organization."

subsection (1) of section 62 or a corporation or trust resident in Canada exempt from tax under this Part by paragraph (f) or (g) of that subsection, or

- (b) a branch, section, parish, congregation or other division of an organization described in paragraph (a) that receives donations on its own behalf,

that has applied to the Minister in prescribed form for registration and that has been registered in respect of the year and whose registration has not been revoked for such year under subsection (3c).

Revocation of registration.

(3c) Where a charitable organization, corporation or trust that is a registered Canadian charitable organization has

- (a) failed to file an information return as and when required under this Act or a regulation, or
- (b) failed to comply with or contravened section 125 or 126,

the Minister may, by notice sent by registered mail to the charitable organization, corporation or trust, revoke the registration thereof, and such charitable organization, corporation or trust shall, upon publication of a copy of such notice in the *Canada Gazette*, cease to be a registered Canadian charitable organization either on the date of such publication or on such later day as is named in the notice."

Coming into force and transitional provision.

(4) Subsections (1) and (2) shall come into force on January 1, 1967, and gifts to

- (a) charitable organizations in Canada exempt from tax under Part I of the *Income Tax Act* by paragraph (e) of subsection (1) of section 62 thereof, or
- (b) corporations or trusts resident in Canada and exempt from tax under the said Part by paragraph (f) or (g) of subsection (1) of section 62 thereof,

that were made by a taxpayer before 1967 and that would have been deductible by him in computing his taxable income for a taxation year but for subsection (1) of this section, shall be deemed to be gifts made by the taxpayer to registered Canadian charitable organizations and may be deducted by him in computing his taxable income to the extent provided by subsection (1) of section 27 of the *Income Tax Act* as enacted by subsection (1) of this section.

4. (1) Subsection (4) of section 33 of the said Act is repealed and the following substituted therefor:

“(4) There may be deducted from the tax otherwise payable under this Part by an individual for a taxation year an amount equal to the lesser of Tax deduction.

(a) \$20, or

(b) 20% of the tax otherwise payable under this Part by the individual for the taxation year.”

(2) This section is applicable to the 1966 and subsequent taxation years, except that in its application to the 1966 taxation year, the amount that may be deducted by an individual under subsection (4) of section 33 of the said Act, as enacted by this section, shall be the aggregate of

(a) the lesser of

(i) \$240, or

(ii) 4% of the tax otherwise payable under Part I of the said Act, and

(b) the lesser of

(i) \$12, or

(ii) 12% of the tax otherwise payable under Part I of the said Act,

and for the purposes of this subsection, the expression “tax otherwise payable under Part I of the said Act” has the same meaning as the expression “tax otherwise payable under this Part” in section 33 of the said Act.

5. (1) All that portion of subsection (2) of section 64 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(2) Where a taxpayer who has died had at the time of his death rights or things (other than an amount included in computing his income by virtue of subsection (1)), the amount whereof when realized or disposed of would have been included in computing his income, the value thereof at the time of death shall be included in computing the taxpayer’s income for the taxation year in which he died, unless his legal representative has, within one year from the date of death of the taxpayer or within 90 days after the mailing of any notice of assessment in respect of the tax of the taxpayer for the year of death, whichever is the later day, elected that one of the following rules be applicable thereto:” Amounts receivable.

(2) Section 64 of the said Act is further amended by adding thereto the following subsection:

Revocation
of election.

“(5) An election made pursuant to subsection (2) may be revoked by a notice of revocation signed by the legal representative of the taxpayer and filed with the Minister within the time that an election under that subsection may be made.”

6. (1) Paragraph (a) of subsection (1) of section 70 of the said Act is repealed and the following substituted therefor:

- “(a) dividends described in subparagraph (i) of paragraph (a) of subsection (1a) of section 106 received in the year,
- (ab) interest received in the year from other non-resident-owned investment corporations, and”

(2) Subparagraph (ii) of paragraph (c) of subsection (4) of section 70 of the said Act is repealed and the following substituted therefor:

- “(ii) trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or any interest therein;”

(3) Subsection (1) is applicable to dividends and interest received after March 29, 1966, and subsection (2) is applicable to taxation years ending after that day but for the purpose of determining whether the principal business of a corporation for the whole of the taxation year of the corporation that includes March 30, 1966 was trading or dealing in bonds, shares or debentures or any interest therein, the whole of such taxation year shall be deemed to be that portion of the taxation year that is after March 29, 1966.

7. Paragraph (e) of subsection (2) of section 71A is repealed and the following substituted therefor:

“New manufacturing or processing business.”

- “(e) “new manufacturing or processing business” means a manufacturing or processing business that commenced manufacturing or processing in reasonable commercial quantities after

December 4, 1963, and before April 1, 1967, or, where the Minister of Industry is satisfied that

- (i) the facilities to be used in the business were in the process of being constructed, installed or assembled on the site of the proposed business premises on March 29, 1966, and
 - (ii) the business was unable to commence manufacturing or processing in reasonable commercial quantities before April 1, 1967, by reason of an event beyond the control of the taxpayer,
- before April 1, 1968.”

8. (1) Paragraph (a) of subsection 6 of section 83 of the said Act is repealed and the following substituted therefor:

“(a) “mine” does not include an oil well, gas well, “Mine,” brine well, sand pit, gravel pit, clay pit, shale pit or stone quarry (other than a deposit of oil shale or bituminous sand), but does include a well for the extraction of material from a sylvite deposit and all such wells, the material produced from which is sent to a single plant for processing, shall be deemed to be one mine; and”

(2) Subsection (5) of section 83 of the said Act is applicable in respect of income, from a well or wells for the extraction of material from a sylvite deposit that is or are a mine by virtue of paragraph (a) of subsection (6) of section 83 of the said Act as enacted by subsection (1), where such income is derived from the operation thereof during such part, if any, of the period of 36 months commencing with the day on which the mine came into production as is after March 29, 1966.

9. (1) All that portion of paragraph (b) of subsection (2) of section 85A of the said Act following subparagraph (i) thereof is repealed and the following substituted therefor:

“exceeds the lesser of

- (ii) 20% of the amount of the benefit so deemed to have been received, or
- (iii) \$200.”

(2) This section is applicable to benefits deemed by paragraph (a), (b), (c) or (d) of subsection (1) of section 85A of the said Act to have been received by an employee after March 29, 1966, except that this section shall not apply to any such benefit so deemed to have been received before January 1, 1968, if the agreement between the employee and his employer under which the benefit is received existed before March 30, 1966.

(3) An agreement that existed before March 30, 1966, but that is amended after that date shall, if the amendment is for the sole purpose of allowing an option therein granted to be exercised on or before January 1, 1968, be deemed, notwithstanding the amendment, to be an agreement between the employee and his employer that existed before March 30, 1966.

10. Subsection (5) of section 86 of the said Act is repealed and the following substituted therefor:

Idem.

“(5) Notwithstanding anything in this section, a retiring Chairman, Assistant Chairman or other member is, subject to subsection (2), eligible to be re-appointed in the same or another capacity, but no member so reappointed shall hold office after attaining the age of 75 years.”

11. (1) The said Act is further amended by adding thereto, immediately after section 105c thereof, the following heading and Part:

“PART IID.

SPECIAL REFUNDABLE TAX.

Definitions.

“Corporation.”

105D. In this Part,

- (a) “corporation” means a corporation that is not
- (i) exempt from tax under this Act by section 62,
 - (ii) an investment company within the meaning of subsection (2) of section 69,
 - (iii) a non-resident-owned investment corporation within the meaning of subsection (4) of section 70, or
 - (iv) a corporation more than 95% of the property of which, throughout its taxation year, was situated outside Canada or consisted of shares in or obligations of corporations not resident in Canada and which, in the taxation year, did not acquire shares in

corporations resident in or carrying on business in Canada or obligations of persons resident in or carrying on business in Canada of a value, in the aggregate, in excess of 5% of its income for the year, and all of the shares of which were, throughout the year, owned by non-residents of Canada;

- (b) "corporate tax base" for a taxation year of a corporation means the aggregate of
- (i) its taxable income or loss for the year,
 - (ii) amounts, not exceeding in the aggregate 50% of the gross revenue of the corporation for the year, deducted under paragraph (a) of subsection (1) of section 11 in computing its income for the year, but not including amounts so deducted in respect of property described in class 12 in Schedule B to the *Income Tax Regulations*,
 - (iii) amounts deducted under paragraph (b) of subsection (1) of section 11 in computing its income for the year,
 - (iv) business losses sustained in other years that are deducted in computing its taxable income for the year,
 - (v) the amount by which any amounts deducted under section 83A in computing its income for the year exceed any expenses described in that section actually incurred by it in the year,
 - (vi) dividends received from corporations described in paragraphs (d) and (e) of subsection (1) of section 28 that are deducted in computing its taxable income for the year, and
 - (vii) income from the operation of a mine not included in computing its income for the year by virtue of subsection (5) of section 83, minus the aggregate of
 - (viii) \$30,000, or, in the case of a corporation that is associated with one or more other corporations, 30/35 of the amount allocated to it for the year under subsection (3) or (3a) of section 39 but if no such allocation has been made in respect of the corporation, the Minister may require an allocation to be made for the purposes of this Part and the provisions of subsections (3) and (3a) shall apply *mutatis mutandis* to the making of such allocation,

"Corporate tax base."

- (ix) the aggregate of the payments made in the year by the corporation (not exceeding the aggregate of the amounts included in the corporate tax base by virtue of subparagraphs (ii) and (v)) each of which was a payment as or on account of principal made in retirement of a debt owed by the corporation or made into a sinking fund that under an agreement in writing entered into before March 30, 1966 was required to be established for the purpose of the retirement of a debt owed by the corporation, if
 - (A) the original term for full repayment of the debt was 3 years or longer,
 - (B) the payment was required to be made in the year under an agreement in writing entered into before March 30, 1966, and
 - (C) the payment was made to a person with whom the corporation was dealing at arm's length,
 - (x) payments made in the year by the corporation to redeem shares of its capital stock where such redemption was authorized by or on behalf of the corporation before March 30, 1966, or required by an agreement in writing entered into before that day, and
 - (xi) the following taxes payable by the corporation in respect of the year, namely:
 - (A) income tax payable to Her Majesty in right of Canada,
 - (B) income tax and logging tax payable to Her Majesty in right of a province, and
 - (C) income and profits taxes payable to the government of a country other than Canada;
- (c) "tax period" means the period commencing on May 1, 1966, and ending on October 31, 1967;
- (d) "trust" means a trust that
- (i) did not arise on death,
 - (ii) is not a charitable trust exempt from tax under this Act by paragraph (g) of subsection (1) of section 62, and
 - (iii) existed on May 1, 1966, or was created after that date; and

"Tax period."

"Trust."

- (e) "trust tax base" for a taxation year of a trust means the aggregate of
- (i) its income or loss for the year from all businesses carried on by it, before making any deduction under subsection (4) of section 63, and for the purposes of this subparagraph, "loss" means a loss from a business carried on by a trust computed by applying the provisions of this Act respecting computation of income from a business *mutatis mutandis*,
 - (ii) its rental income or loss for the year, before making any deduction under subsection (4) of section 63, not included in computing the amount determined under subparagraph (i), and for the purpose of this subparagraph, "loss" means a rental loss from property rented by the trust computed by applying the provisions of this Act respecting computation of rental income *mutatis mutandis*,
 - (iii) amounts, not exceeding in the aggregate 50% of its gross revenue for the year used in computing the amounts described in subparagraphs (i) and (ii), deducted under paragraph (a) of subsection (1) of section 11 in computing the amounts described in subparagraphs (i) and (ii), but not including amounts so deducted in respect of property described in class 12 in Schedule B to the *Income Tax Regulations*, and
 - (iv) amounts deducted under paragraph (b) of subsection (1) of section 11 in computing the amounts specified in subparagraphs (i) and (ii),
- minus the aggregate of
- (v) \$30,000,
 - (vi) the aggregate of the payments made in the year by the trust (not exceeding the amount included in the trust tax base by virtue of subparagraph (iii)) each of which was a payment as or on account of principal made in retirement of a debt owed by the trust, if
 - (A) the original term for full repayment of the debt was 3 years or longer,
 - (B) the payment was required to be made in the year under an agreement in

"Trust
tax base."

writing entered into before March 30, 1966, and

- (C) the payment was made to a person with whom the trust was dealing at arm's length, and
- (vii) income and profits taxes payable in respect of the year to the government of a country other than Canada.

Tax.

105E. (1) Every corporation and trust shall pay a special refundable tax in an amount equal to 5% of its corporate tax base or trust tax base, as the case may be, for each taxation year of the corporation or trust included in whole or in part in the tax period.

Apportionment.

(2) Where a taxation year of a corporation or trust is in part outside the tax period and in part within the tax period, the corporate tax base or trust tax base of the corporation or trust shall, for the purposes of subsection (1), be deemed to be that proportion of the corporate tax base or trust tax base that the number of days in the taxation year that are in the tax period is of the total number of days in the taxation year.

Payment of tax by corporation.

105F. (1) Every corporation shall pay to the Receiver General of Canada

- (a) on or before the last day of each month commencing with the month ending May 31, 1966 and ending with the month ending October 31, 1967, (each of which days is herein referred to as an instalment payment date), an instalment of the tax payable under this Part for the taxation year of the corporation in which the payment is required, estimated in accordance with subsection (2); and
- (b) within 3 months after the end of a taxation year falling in whole or in part within the tax period, the balance, if any, of the tax payable under this Part in respect of such taxation year.

Calculation of instalment.

(2) Each instalment of tax payable by a corporation under paragraph (a) of subsection (1) shall be an amount equal to

- (a) 5% of that proportion of
 - (i) the estimated corporate tax base of the corporation for the year, or
 - (ii) the actual corporate tax base of the corporation for its last preceding taxation

year that ended more than 2 months before the instalment payment date

that

(iii) the number of days in the taxation year that are in the tax period

is of

(iv) the total number of days in the taxation year

divided by

(b) the number of instalment payment dates in the year.

105G. Every trust shall pay to the Receiver General of Canada Payment of tax by trusts.

- (a) on or before June 30, September 30 and December 31, 1966, and March 31, June 30 and September 30, 1967, respectively an amount equal to $\frac{1}{3}$ of the tax payable under this Part for the taxation year of the trust in which the payment is required calculated on its estimated trust tax base for the year or on its trust tax base for the immediately preceding year, but where a payment is in respect of a taxation year of a trust that is in part outside the tax period and in part within the tax period, the trust tax base on which the payment is calculated shall be that proportion thereof that the number of days in the taxation year that are in the tax period is of the total number of days in the taxation year, and
- (b) within 3 months after the end of a taxation year falling in whole or in part within the tax period, the balance, if any, of the tax in respect of such taxation year payable under this Part.

105H. (1) A return under this Part for each taxation year included in whole or in part in the tax period shall, without notice or demand therefor, be filed with the Minister in prescribed form and containing prescribed information, Returns.

- (a) in the case of a corporation, by or on behalf of the corporation within 6 months from the end of the year, and Corporations
- (b) in the case of a trust, within 90 days from the end of the year, if it had gross revenue from rents or was carrying on a business at any time in the year. Trusts.

Application
of certain
provisions of
Part I.

(2) Subsection (2) of section 44, section 46 and sections 54 to 61A are applicable *mutatis mutandis* to this Part.

Income of
trust or
estate.

105i. (1) There may be deducted in computing the income of a trust for a taxation year for the purposes of Part I such part of the amount that would otherwise be its income for the year as was payable in respect of the year to the Receiver General of Canada under this Part.

Idem.

(2) There shall be included in computing the income of a trust for a taxation year for the purposes of Part I any amount refunded to the trust in the year under section 105j.

Refund of
tax.

105j. (1) Tax paid under this Part shall be refunded by the Minister, with interest at the rate of 5% per annum calculated on each payment of tax from the end of the month in which such payment was received, at such time or times as the Governor in Council may by regulation prescribe, but in any case, not less than 18 months or more than 36 months after the later of

(a) the day on which the payment of tax to be so refunded was due, or

(b) the day on which such payment of tax was made.

Refund in
event of
bankruptcy.

(2) Notwithstanding subsection (1), where a corporation that has paid an amount on account of tax under this Part has become bankrupt, the amount so paid shall forthwith be refunded to the trustee in bankruptcy of that corporation together with interest to the date of payment calculated at the rate and in the manner provided in subsection (1).

Application
to other
taxes.

(3) Instead of making a refund that might otherwise be made under this section, the Minister may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the refund and the interest thereon, or any part thereof to that other liability and notify the taxpayer or the trustee in bankruptcy of the taxpayer of that action.

No further
interest after
refund date.

(4) Where by any regulation a repayment date that is not earlier than the day of publication of such regulation in the *Canada Gazette* is prescribed with respect to any instalment of tax paid under this Part, interest shall cease to accrue on such instalment on the day so prescribed.

(5) Her Majesty in right of Canada is not liable, and no action shall be taken, for or in respect of any unrefunded instalment of tax paid under this Part or any interest thereon where

Prescription
of unpaid
refunds.

- (a) a repayment date with respect to the instalment was prescribed by regulation and reasonable efforts were made thereafter to locate the corporation or trust entitled to such refund;
- (b) at least 5 years have elapsed since publication in the *Canada Gazette* of the regulation referred to in paragraph (a); and
- (c) no claim whatever has been received by or on behalf of Her Majesty from the corporation or trust entitled to such refund."

(2) This section shall be deemed to have come into force on March 30, 1966.

12. (1) Clause (B) of subparagraph (ii) of paragraph (b) of subsection (1) of section 106 of the said Act is repealed and the following substituted therefor:

"(B) bonds of or guaranteed by the Government of Canada issued after December 20, 1960, and before April 16, 1966, the interest on which is payable to the government or central bank of a country other than Canada or to any international organization or agency prescribed by regulation, or

(C) bonds, debentures, notes, mortgages, hypothecs or similar obligations

- 1. of or guaranteed by the Government of Canada,
- 2. of the government of a province or an agent thereof,
- 3. of a municipality in Canada or a municipal or public body performing a function of government in Canada,
- 4. of a corporation, commission or association not less than 90% of the shares or capital of which is owned by Her Majesty in right of a province or by a Canadian municipality, or of a subsidiary wholly-owned corporation that is subsidiary to such a corporation, commission or association,

5. of an educational institution or a hospital where repayment of the principal amount thereof and payment of the interest thereon is to be made, or is guaranteed, assured or otherwise specifically provided for or secured by the government of a province,
issued after April 15, 1966,"

(2) Subsection (3b) of section 106 of the said Act is repealed and the following substituted therefor:

Bonds issued after December 20, 1960 in exchange for earlier bonds.

"(3b) For the purposes of this Part, where any bond, except a bond to which clause (C) of subparagraph (ii) of paragraph (b) of subsection (1) applies, was issued after December 20, 1960, in exchange for a bond issued on or before that day, it shall, if the terms on which the bond for which it was exchanged was issued conferred upon the holder thereof the right to make the exchange, be deemed to have been issued on or before December 20, 1960."

13. All that portion of subsection (1) of section 107 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Tax non-payable by non-resident person.

"**107.** (1) Tax is not payable by a non-resident person under subsection (1a) of section 106 on a dividend in respect of a share of the capital stock of a foreign business corporation if not less than 90% of the aggregate of the amounts received or receivable by it that are required to be included in computing its income for the taxation year in which the dividend was paid was received or receivable in respect of the operation by it of public utilities or from mining, transporting and processing of ore in a country in which"

14. All that portion of subsection (3a) of section 108 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Sale of treasury bills.

"(3a) Where a person resident in Canada has, at any time after March 16, 1961, sold to a non-resident person a treasury bill issued before April 16, 1966 by Her Majesty in right of Canada or a province, that proportion of the amount by which"

15. Section 125 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) Every registered Canadian charitable organization shall keep records and books of account (including a duplicate of each receipt containing prescribed information for a donation received by it) at an address in Canada recorded with the Minister or designated by the Minister in such form and containing such information as will enable the donations to it that are deductible under this Act to be verified.” Idem.

16. Section 132A of the said Act is repealed and the following substituted therefor:

“**132A.** (1) In this section, “taxable obligation” means any bond, debenture or similar obligation the interest on which would, if paid by the issuer to a non-resident person, be subject to the payment of tax under Part III by that non-resident person at the rate of 15%, and “non-taxable obligation” means any bond, debenture or similar obligation the interest on which would not, if paid by the issuer to a non-resident person, be subject to the payment of tax under Part III by that non-resident person.” “Taxable obligation” and “non-taxable obligation” defined.

(2) Every person who, at any time after the coming into force of this subsection, issues Interest coupon to be identified in prescribed manner.

(a) any taxable obligation, or

(b) any non-taxable obligation

the right to interest on which is evidenced by a coupon or other writing that does not form part of, or is capable of being detached from, the evidence of indebtedness under the obligation is, unless the coupon or other writing is marked or identified in prescribed manner by the letters “AX” in the case of a taxable obligation, and by the letter “F” in the case of a non-taxable obligation, on the face thereof, guilty of an offence and liable, on summary conviction to a fine not exceeding \$500.”

17. Section 133 of the said Act is repealed and the following substituted therefor:

“**133.** (1) Except as authorized by this section, no official or authorized person shall Communication of information.

(a) knowingly communicate or knowingly allow to be communicated to any person any informa-

tion obtained by or on behalf of the Minister for the purposes of this Act, or

- (b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Idem.

(2) Notwithstanding any other Act or law, no official or authorized person shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act, or
- (b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Idem.

(3) Subsections (1) and (2) do not apply in respect of criminal proceedings, either by indictment or on summary conviction, under an Act of the Parliament of Canada, or in respect of proceedings relating to the administration or enforcement of this Act.

Exception.

(4) An official or authorized person may,

- (a) in the course of his duties in connection with the administration or enforcement of this Act,
 - (i) communicate or allow to be communicated to an official or authorized person information obtained by or on behalf of the Minister for the purposes of this Act, and
 - (ii) allow an official or authorized person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act;
- (b) under prescribed conditions, communicate or allow to be communicated information obtained under this Act, or allow inspection of or access to any written statement furnished under this Act to the government of any province in respect of which information and written statements obtained by the government of the province, for the purpose of a law of the province that imposes a tax similar to the tax imposed under this Act, is communicated or furnished on a reciprocal basis to the Minister; or
- (c) communicate or allow to be communicated information obtained under this Act, or allow inspection of or access to any book, record, writing, return or other document obtained by

or on behalf of the Minister for the purposes of this Act, to or by any person otherwise legally entitled thereto.

(5) Notwithstanding anything in this section, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to the person from whom such book, record, writing, return or other document was obtained or the legal representative of such person, or to the agent of such person or of such legal representative authorized in writing in that behalf. Exception.

(6) Every one who, being an official or authorized person, contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment. Offence.

(7) In this section, Definitions.

(a) "official" means any person employed in or occupying a position of responsibility in the service of Her Majesty, or any person formerly so employed or formerly occupying a position therein; and "Official."

(b) "authorized person" means any person engaged or employed, or formerly engaged or employed, by or on behalf of Her Majesty to assist in carrying out the purposes and provisions of this Act." "Authorized person."

18. (1) Paragraph (ba) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor:

"(ba) the tax payable by a taxpayer under Part I, II, IIA, IIB, IIC or IID means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or on appeal, if any, in accordance with the provisions of Part I, II, IIA, IIB, IIC or IID, as the case may be." Tax under Part I, II, IIA, IIB, IIC or IID.

(2) Section 139 of the said Act is further amended by adding thereto, immediately after subsection (11) thereof, the following subsection:

"(12) The expression "in Canada" is, for greater certainty, hereby declared to include and to have always "In Canada."

included for the purposes of this Act the sea bed and subsoil of the submarine areas adjacent to the coasts of Canada in respect of which grants are issued, by the Government of Canada or of a province, of a right, licence or privilege to explore for, drill for or take any petroleum, natural gas or minerals.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 48

An Act to establish a corporation for the
administration of the National Arts Centre.

[Assented to 15th July, 1966.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

SHORT TITLE.

1. This Act may be cited as the *National Arts Centre Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | | |
|-----|---|--------------------------|
| (a) | "Board" means the Board of Trustees of the Corporation; | Definitions.
"Board." |
| (b) | "Centre" means the National Arts Centre located in the City of Ottawa; | "Centre." |
| (c) | "Corporation" means the National Arts Centre Corporation established by section 3; | "Corporation." |
| (d) | "Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council to act as the Minister for the purposes of this Act; and | "Minister." |
| (e) | "performing arts" means the arts of the theatre and the concert hall, including the creating, staging and performing of drama, music and the dance. | "Performing arts." |

CORPORATION ESTABLISHED.

3. A corporation is hereby established to be known as the National Arts Centre Corporation consisting of a Board of Trustees composed of a Chairman, a Vice-Chairman, the persons from time to time holding office as
- Corporation established.

- (a) the Mayor of the Corporation of the City of Ottawa,
 - (b) the Mayor of the City of Hull,
 - (c) the Director of the Canada Council,
 - (d) the President of the Canadian Broadcasting Corporation, and
 - (e) the Government Film Commissioner,
- and nine other members to be appointed as provided in section 4.

Appointment of Chairman and Vice-Chairman.

4. (1) The Chairman and Vice-Chairman of the Board shall be appointed by the Governor in Council for such terms, not exceeding four years each, as are fixed by the Governor in Council.

Appointment of other members.

(2) Each of the members of the Board, other than the Chairman, the Vice-Chairman and those holding the offices set out in paragraphs (a) to (e) of section 3, shall be appointed by the Governor in Council for terms not exceeding three years, except that of those members first appointed, three shall be appointed for a term of two years, three shall be appointed for a term of three years and three shall be appointed for a term of four years.

Eligibility for re-appointment.

(3) A person who has served two consecutive terms as Chairman or Vice-Chairman of the Board or as a member of the Board appointed under subsection (2) is not, during the twelve months following the completion of his second term, eligible to be reappointed to the Board in the capacity in which he so served.

Vacancy in membership.

(4) A vacancy in the membership of the Board does not impair the right of the remaining members to act.

REMUNERATION AND EXPENSES.

Remuneration and expenses.

5. Each member of the Board, other than a member who is in receipt of a salary fixed by the Governor in Council, shall be paid by the Corporation, for each day he attends any meeting of the Board or of any committee of the Board, such remuneration as is fixed by by-law of the Board, and each member of the Board is entitled to be paid by the Corporation such travelling and living expenses incurred by him in connection with the performance of his duties as are fixed by by-law of the Board.

DIRECTOR.

Director.

6. (1) There shall be a Director of the Centre to be appointed by the Board to hold office for a term not exceeding five years.

Reappointment.

(2) A person appointed as Director is eligible for reappointment.

(3) The Director shall be paid by the Corporation such salary as is fixed by the Governor in Council. Salary.

7. (1) The Director is the chief executive officer of the Corporation, and has supervision over and direction of the work and the staff of the Corporation. Director
chief
executive
officer.

(2) If the Director is absent or unable to perform the duties of his office or the office is vacant, the Board may authorize an officer of the Corporation to act as Director. Acting
Director.

OFFICERS AND EMPLOYEES.

8. The Corporation may employ such officers and employees and such technical and professional advisers as it considers necessary for the proper conduct of its activities at such remuneration and upon such other terms and conditions as it deems fit. Staff.

OBJECTS AND POWERS OF THE CORPORATION.

9. (1) The objects of the Corporation are to operate and maintain the Centre, to develop the performing arts in the National Capital region and to assist the Canada Council in the development of the performing arts elsewhere in Canada. Objects of
Corporation.

(2) In furtherance of its objects, but without limiting the generality of subsection (1), the Corporation may Idem.

- (a) arrange for and sponsor performing arts activities at the Centre;
- (b) encourage and assist in the development of performing arts companies resident at the Centre;
- (c) arrange for or sponsor radio and television broadcasts from the Centre and the showing of films in the Centre;
- (d) provide accommodation at the Centre, on such terms and conditions as the Corporation may fix, for national and local organizations whose objects include the development and encouragement of the performing arts in Canada; and
- (e) at the request of the Government of Canada or the Canada Council, arrange for performances elsewhere in Canada by performing arts companies, whether resident or non-resident in Canada, and arrange for performances outside Canada by performing arts companies resident in Canada.

Powers of
Corporation.

10. In carrying out its objects under this Act the Corporation may

- (a) acquire by purchase, lease or otherwise any real or personal property, including securities, and hold, manage or dispose thereof as it may determine;
- (b) acquire by gift, bequest or devise any real or personal property and may, notwithstanding anything in this Act, expend, administer or dispose of any such property, subject to the terms, if any, upon which it was given, bequeathed or devised to the Corporation;
- (c) operate restaurants, lounges, parking facilities, shops and other facilities in the Centre for the use of the public, and lease or otherwise make available, on such terms and conditions as it sees fit, any such facilities or space therefor;
- (d) expend any moneys appropriated by Parliament for the purposes of the Corporation or received by the Corporation from its operation of the Centre, including any moneys received by it from leasing or otherwise making available any facilities in the Centre described in paragraph (c) or space therefor; and
- (e) generally, do and authorize such things as it may deem necessary for the attainment of the objects and the exercise of the powers of the Corporation.

BY-LAWS.

By-laws.

11. The Board may make by-laws

- (a) for the regulation of its proceedings, including the establishment of special and standing committees of the Board, the delegation to such committees of any of its duties and the fixing of quorums for meetings of the Board or of such committees;
- (b) for the establishment of advisory committees consisting of members of the Board and persons other than members;
- (c) subject to the approval of the Minister, fixing the remuneration and travelling and living expenses to be paid to members of the Board as provided in this Act; and
- (d) generally, for the conduct and management of its activities.

GENERAL.

12. The Head Office of the Corporation shall be at the City of Ottawa. Head Office.

13. (1) The Director and the officers and employees of the Corporation shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act* and the Corporation shall be deemed to be a Public Service corporation for the purposes of section 23 of that Act. Application of certain Acts and regulations.

(2) For the purposes of the *Government Employees Compensation Act* and any regulation made pursuant to section 5 of the *Aeronautics Act*, the Director and the officers and employees of the Corporation shall be deemed to be employees in the public service of Canada. Idem.

14. The Corporation is not an agent of Her Majesty and, except as provided in section 13, the Director and the officers and employees of the Corporation are not part of the public service. Corporation not agent of Her Majesty

15. The Corporation shall be deemed to be a charitable organization in Canada Corporation charitable organization.

- (a) as described in paragraph (e) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act; and
- (b) as described in subparagraph (i) of paragraph (d) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

16. The accounts and financial transactions of the Corporation shall be audited annually by the Auditor General and a report of the audit shall be made to the Chairman of the Board. Audit.

REPORT TO PARLIAMENT.

17. The Chairman of the Board shall, within three months after the termination of each fiscal year, submit to the Minister a report of all proceedings under this Act for that fiscal year, including the financial statement of the Corporation, and the Auditor General's report thereon, and Report to Parliament.

the Minister shall cause such report to be laid before Parliament within fifteen days after the receipt thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 49

An Act respecting certain conditions of employment of dock workers at the Ports of Montreal, Trois-Rivières and Quebec.

[Assented to 15th July, 1966.]

WHEREAS the processes of free collective bargaining and of mediation between representatives of employing shipping companies using the Ports of Montreal, Trois-Rivières and Quebec and of dock workers at those Ports have been successful in producing agreement on wages and most of the other issues in dispute at the time of the strike of such dock workers that began in the month of May, 1966, and, in the report of the mediator appointed to mediate the issues then in dispute, it was recommended that an Industrial Inquiry Commission be appointed under the *Industrial Relations and Disputes Investigation Act* to inquire into certain matters on which agreement was not reached and to report its conclusions thereon to the Minister of Labour at the earliest possible date; Preamble.

AND WHEREAS an Industrial Inquiry Commission to inquire into those certain matters has been appointed under the said Act, and it is in the national interest that the conclusions of the said Commission with respect thereto be carried into effect without delay following receipt of the report of the said Commission, by the incorporation of those conclusions in the terms of settlement that were entered into following the settlement of the other issues involved in the dispute and in any collective agreements entered into pursuant to those terms of settlement;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

Short title. **1.** This Act may be cited as the *St. Lawrence Ports Working Conditions Act*.

INTERPRETATION.

- Definitions. **2.** In this Act,
- "Collective agreement to which this Act applies." (a) "collective agreement to which this Act applies" means the terms of settlement between the Federation and the Union that were entered into following the settlement referred to in the preamble to this Act and any collective agreement between the parties thereto entered into pursuant to those terms of settlement;
- "Commission." (b) "Commission" means the Industrial Inquiry Commission referred to in the preamble to this Act, appointed under the *Industrial Relations and Disputes Investigation Act*;
- "Federation." (c) "Federation" means The Shipping Federation of Canada Incorporated, acting for and on behalf of employing shipping companies loading and discharging ships at any of the Ports of Montreal, Trois-Rivières and Quebec; and
- "Union." (d) "Union" means the International Longshoremen's Association and any affiliated locals thereof representing dock workers at the Ports of Montreal, Trois-Rivières and Quebec.

AGREEMENTS AMENDED.

Incorporation in collective agreements of recommendations of Commission. **3.** Forthwith upon the receipt by the Minister of Labour of the report of the Commission, the Minister of Labour shall cause copies of the report to be furnished to the Federation and to the Union, and thereupon each collective agreement to which this Act applies shall be deemed to be amended by the incorporation therein of the conclusions of the Commission, as set forth in the report, with respect to each of the following matters concerning which, under the terms of reference of the Commission, inquiry is to be made by it, namely:

- (a) the size and make-up of work gangs employed in longshoring and related trades at the Port to which the collective agreement applies, the sling loads used in loading and discharging operations at the Port, the strapping of cargo at the Port, and the use of other equipment and methods affecting productivity in loading and

- discharging operations at the Port, including receiving and delivering cargo, consistent with the health and safety of longshoremen and other persons engaged in such operations;
- (b) the calling up and recalling of men employed in longshoring and related trades at the Port; and
- (c) the safeguarding of job security, having regard to changes that may be made in consequence of the implementation of the conclusions of the Commission with respect to the matters described in paragraphs (a) and (b), of members of the Union in good standing on the 1st day of June, 1966 who qualify in the calendar year 1966 for welfare benefits under the terms of The Shipping Federation of Canada-I.L.A. Health and Welfare Plan and who earn their livelihood wholly or mainly in longshoring and related operations at the Port, and of any other members of the Union in good standing on the 1st day of June, 1966 who earn their livelihood wholly or mainly in longshoring and related operations at the Port and who in the opinion of the Commission specially merit the safeguarding of their job security.

4. In preparing its report the Commission shall set forth its conclusions with respect to the matters mentioned in paragraphs (a), (b) and (c) of section 3 in such form as will enable their incorporation in accordance with this Act into each collective agreement to which this Act applies, accordingly as those conclusions apply to the Port to which the collective agreement applies.

Form in which conclusions to be set forth.

5. Nothing in this Act shall be deemed to limit or restrict the right of the parties to any collective agreement to which this Act applies to agree to vary or amend any of the terms and conditions of the agreement, as amended pursuant to this Act, and to give effect thereto.

Saving provision.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 50

An Act to provide for the resumption of operations of railways and for the settlement of the existing dispute with respect to terms and conditions of employment between Railway Companies and their employees.

[Assented to 1st September, 1966.]

WHEREAS the processes of negotiation, conciliation and mediation between the railway companies and the bargaining agents of non-operating employees and certain operating employees of the railway companies have failed to produce agreement; Preamble.

AND WHEREAS the operation of the railways and subsidiary services has been suspended and the vital interests of the people of Canada and the welfare of the nation, including international trade, are imperilled by such suspension;

AND WHEREAS it is essential to protect the interests of the people of Canada and the welfare of the nation that operation of the railways be resumed immediately and that for this purpose, having regard to the interests of the railway companies and the employees, provision be made for the resumption of the processes of negotiation and mediation and for the final settlement of terms and conditions of employment for the years 1966 and 1967;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Maintenance of Railway Operation Act, 1966*. Short title.

2. (1) In this Act,
(a) "collective agreement to which this Act applies" means a collective agreement between a Definitions.
railway "Collective agreement to which this Act applies."

railway company and a union that expired on December 31, 1965, the renewal or revision of which was the subject of proceedings before a Conciliation Board the report of which was received by the Minister of Labour in July or August, 1966;

- "Employee." (b) "employee" means a non-operating employee or an operating employee;
- "Non-operating employee." (c) "non-operating employee" means an employee of a railway company bound by a collective agreement to which this Act applies to which a union listed in Schedule B is a party, or on whose behalf such a collective agreement has been entered into between the railway company and such a union representing the employee;
- "Operating employee." (d) "operating employee" means an employee of a railway company bound by a collective agreement to which this Act applies to which a union listed in Schedule C is a party, or on whose behalf such a collective agreement has been entered into between the railway company and such a union representing the employee;
- "Railway company." (e) "railway company" means a company listed in Schedule A; and
- "Union." (f) "union" means a trade union listed in Schedule B or Schedule C and any trade union substituted for a trade union listed in Schedule B or Schedule C as a party to a collective agreement to which this Act applies.

Words and expressions. (2) Unless otherwise provided, words and expressions used in this Act have the same meaning as in the *Industrial Relations and Disputes Investigation Act*.

Railway services to be resumed. **3.** Forthwith upon the coming into force of this Act, every railway company shall resume operation of the railway and subsidiary services the operation of which is suspended by reason of the strike now existing and employees now on strike shall resume the duties of their employment with the railway companies.

Return to work not to be denied and strikers not to be discharged. **4.** No person acting on behalf of a railway company shall

(a) refuse to permit, or authorize or direct another person to refuse to permit, an employee who went on strike before the coming into force of this Act to resume the duties of his employment forthwith, or

(b) discharge or in any other manner discipline, or authorize or direct another person to discharge

or in any other manner discipline such an employee
by reason of his having been on strike before the coming into force of this Act.

5. Each person who at the beginning of the strike of employees existing at the coming into force of this Act was authorized on behalf of a union to bargain collectively with a railway company for the revision or amendment of a collective agreement to which this Act applies, shall forthwith give notice to the members of the union that any declaration, authorization or direction to go on strike, declared, authorized or given to them before the coming into force of this Act has become invalid by reason of the coming into force of this Act.

Union representatives to give notice that previous strike declaration, etc. has become invalid.

6. The terms and conditions of each collective agreement to which this Act applies are amended forthwith by increasing

Terms of collective agreements amended.

- (a) each rate of wages in effect on December 31, 1965, established by or pursuant to the agreement in the case of an agreement binding or entered into on behalf of non-operating employees, and
 - (b) each basic daily rate in effect on December 31, 1965, established by or pursuant to the agreement in the case of an agreement binding or entered into on behalf of operating employees
- by four per cent effective January 1, 1966, an additional four per cent effective July 1, 1966, an additional four per cent effective January 1, 1967, and an additional six per cent effective July 1, 1967.

7. (1) Subject to this Act, the term of each collective agreement to which this Act applies is extended to include the period beginning January 1, 1966 and ending on the day on which a new collective agreement entered into between the parties thereto in amendment or revision thereof comes into effect, or on December 31, 1967, whichever is the earlier.

Term of collective agreements extended.

(2) The terms and conditions of a collective agreement to which this Act applies, amended as provided by this Act, shall be effective and binding on the parties thereto for the period mentioned in subsection (1) notwithstanding anything contained in the *Industrial Relations and Disputes Investigation Act* or in the agreement, and that Act shall apply in respect of the agreement as so amended as if the period for which the agreement is extended by this section were the term of the agreement.

Agreement to be binding for extended term.

Railway companies and unions to negotiate.

8. The railway companies and unions shall forthwith enter into negotiations with a view to the settlement of any matters presently in dispute between them as to the terms and conditions of an amendment or revision of the collective agreements to which this Act applies, and shall negotiate in good faith with one another and make every reasonable effort to conclude a settlement and to enter into new collective agreements in amendment or revision of the collective agreements to which this Act applies, but in no event shall any such new collective agreement expire before December 31, 1967.

Appointment of mediator.

9. (1) The Minister of Labour shall appoint a mediator or mediators (hereinafter referred to as the "mediator") who shall forthwith endeavour to mediate the matters in dispute between the railway companies and the unions and to bring about agreement between them and who shall report to the Minister of Labour, not later than November 15, 1966, on the progress of the negotiations between the railway companies and the unions.

Continuation of mediation after November 15, 1966.

(2) If the mediator reports to the Minister of Labour that favourable progress in negotiations has been made, the Governor in Council may direct the mediator to continue mediation and to make a further report to the Minister of Labour at such time as the Governor in Council, on the recommendation of the Minister of Labour, may direct.

Powers of mediator.

(3) The mediator appointed under this section has all the powers conferred on a Conciliation Board under sections 33 and 34 of the *Industrial Relations and Disputes Investigation Act* for the purpose of conciliation proceedings, and no person shall hinder or obstruct him in the exercise of any such powers or refuse to answer an interrogation made by him in the exercise thereof.

Regulations.

10. (1) On the recommendation of the Minister of Labour following receipt of a report of the mediator under section 9, the Governor in Council may make regulations

(a) for referring to a board of three arbitrators appointed by the Governor in Council, one of whom shall be designated as chairman, such matters relating to the revision or amendment of the collective agreements to which this Act applies as the parties thereto may request or as the Governor in Council may deem expedient; and

(b) providing for the powers of the board of arbitrators appointed under paragraph (a), the procedure to be followed for the purposes of

arbitration, the form in which decisions of the board shall be set forth and for giving effect to any decision by the board of arbitrators, by a majority of that board, or by the chairman of the board where no majority decision is reached.

(2) In the event that a board of arbitrators is appointed under paragraph (a) of subsection (1) and decides any matter not agreed upon between a railway company and a union at the time of its decision, the collective agreement to which this Act applies between the railway company and the union shall be deemed to be amended by the incorporation therein of such decision, but nothing in this section shall be deemed to limit or restrict the rights of parties to the agreement to agree to vary or amend any of the terms of the agreement as so amended and to give effect thereto.

Incorporation in collective agreement of decisions of board of arbitrators.

(3) Any award or decision of the board of arbitrators under paragraph (a) of subsection (1) shall not provide for a reduction in any wage rate or basic daily rate established by section 6.

Rates established by section 6 not to be reduced.

11. (1) A regulation under section 10 establishing a board of arbitrators shall be laid before the House of Commons not later than five days after the day the regulation is made or, if that House is not then sitting, within the first five days next thereafter that the House of Commons is sitting and the regulation becomes effective on the tenth sitting day of Parliament after the day the regulation is laid before the House of Commons unless the regulation is before that day revoked pursuant to subsection (2).

Tabling regulations in Commons.

(2) Where a regulation under section 10 establishing a board of arbitrators has been laid before the House of Commons, a notice of motion in that House, praying that the regulation be revoked, signed by ten members thereof, and made in accordance with the rules of that House within five days of the day the regulation was laid before it shall be debated in that House at the first convenient opportunity within the three sitting days after the motion was made in that House; and if that House resolves that the regulation be revoked, the regulation is thereupon revoked and of no force or effect.

Revocation by resolution.

SCHEDULE A.

Canadian National Railways
Canadian Pacific Railway Company
Dominion Atlantic Railway Company
Esquimalt and Nanaimo Railway Company
Northern Alberta Railways Company
Ontario Northland Railway
Quebec Central Railway Company
The Cumberland Railway Company (Sydney and Louisburg Division)
The Midland Railway Company of Manitoba
Algoma Central Railway
Toronto, Hamilton and Buffalo Railway Company
Toronto Terminals Railway Company
Shawinigan Falls Terminal Railway Company

SCHEDULE B.

Brotherhood of Maintenance of Way Employees
 Brotherhood of Railway and Steamship Clerks, Freight Handlers,
 Express and Station Employees
 Brotherhood of Railroad Signalmen
 Transportation-Communication Employees Union
 The Commercial Telegraphers' Union
 International Brotherhood of Firemen and Oilers Helpers, Roundhouse
 and Railway Shop Employees
 Brotherhood of Sleeping Car Porters, Train, Chair Car, Coach Porters
 and Attendants
 Division No. 4, Railway Employees' Department, A.F. of L.—C.I.O.
 Canadian National Railway System Federation No. 11
 Canadian National Railway Western Region Federation
 International Association of Machinists
 International Brotherhood of Boilermakers, Iron Ship Builders, Black-
 smiths, Forgers and Helpers of America
 Brotherhood of Railway Carmen of America
 International Brotherhood of Electrical Workers
 United Association of Journeymen and Apprentices of the Plumbing
 and Pipe Fitting Industry of the United States and Canada
 International Molders' and Allied Workers' Union
 Sheet Metal Workers' International Association
 Canadian Brotherhood of Railway, Transport and General Workers

SCHEDULE C.

Brotherhood of Railroad Trainmen

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 51

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 17th November, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble

1. This Act may be cited as the *Appropriation Act, No. 8, 1966*.

Short title.

2. From out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole three hundred and seventy-one million, nine hundred and ninety-nine thousand, eight hundred and sixty-seven dollars and forty-three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the aggregate of

\$371,999,-
867.43
granted for
1966-67.

- (a) one-twelfth of the total of the amounts of the Items set forth in the Main Estimates for the fiscal year ending 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament, *except* Agriculture Vote 35, Atomic Energy Vote 5, Dominion

- Bureau of Statistics Vote 10, Finance Vote 15, Mines and Technical Surveys Votes 40 and 70, Transport Vote 103 and Loans, Investments and Advances Votes L40, L75, and L80 for which no proportion is granted hereby.....
\$309,794,765.50;
- (b) three-twelfths of the amount of the Item in the said Main Estimates set forth in Schedule A...
\$4,600,000.00;
- (c) two-twelfths of the total of the amounts of the several Items in the said Main Estimates set forth in Schedule B.....\$3,175,900.00;
- (d) one-twelfth of the amount of the Item in the said Main Estimates set forth in Schedule C...
\$9,166,666.67;
- (e) one-twelfth of the total of the amounts set forth in the Supplementary Estimates A for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament *except* Agriculture Vote 35a, Defence Production Vote 20a, Finance Vote 4a, Mines and Technical Surveys Vote 40a and Transport Votes 102a and 103a for which no proportion is granted hereby.....
\$26,276,101.92;
- (f) three-twelfths of the total of the amounts of the several Items in the said Supplementary Estimates set forth in Schedule D..\$11,304,250.00;
- (g) two-twelfths of the amount of the Item in the said Supplementary Estimates set forth in Schedule E.....\$713,266.67;
- (h) one-twelfth of the total of the amounts of the several items in the said Supplementary Estimates set forth in Schedule F..\$4,716,666.67;
- (i) one-twelfth of the total of the amounts set forth in the Supplementary Estimates B for the fiscal year ending the 31st day of March, 1967, as laid before the House of Commons at the present session of Parliament *except* Loans, Investments and advances Vote L32b for which no proportion is granted hereby.....
\$2,252,250.00.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Commit-
ments.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

Account to
be rendered.
R.S., c. 116.

SCHEDULE A

Based on the Main Estimates, 1966-67. The amount hereby granted is \$4,600,000.00, being three-twelfths of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS		
	B—NATIONAL CAPITAL COMMISSION		
65	Payment to the National Capital Fund.....	.....	18,400,000*

*Net Total \$4,600,000.00.

SCHEDULE B

Based on the Main Estimates, 1966-67. The amount hereby granted is \$3,175,900.00, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL DEFENCE		
	DEFENCE RESEARCH		
35	Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scientific research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board.....	3,000,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATURAL AND HISTORIC RESOURCES		
20	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia and, in respect of National Parks and Historic Sites and Monuments, notwithstanding section 30 of the <i>Financial Administration Act</i> , authority to make commitments for the current fiscal year not to exceed a total amount of \$17,170,700.....	16,055,400	19,055,400*

*Net Total \$3,175,900.00.

SCHEDULE C

Based on the Main Estimates, 1966-67. The amount hereby granted is \$9,166,666.67, being one-twelfth of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	FINANCE		
L30	To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to subsection 1 of section 12 of the <i>Canadian Corporation for the 1967 World Exhibition Act</i> and to subsequently dispose thereof.....		110,000,000*

*Net Total \$9,166,666.67.

SCHEDULE D

Based on the Supplementary Estimates (A), 1966-67. The amount hereby granted is \$11,304,250.00, being three-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	EXTERNAL AID OFFICE		
35a	Economic, technical, educational and other assistance as detailed in the Estimates.....	45,000,000	
	LOANS, INVESTMENTS AND ADVANCES		
	EXTERNAL AFFAIRS		
L22a	Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India.....	217,000	
			45,217,000*

*Net total \$11,304,250.00.

SCHEDULE E

Based on the Supplementary Estimates (A), 1966-67. The amount hereby granted is \$713,266.67 being two-twelfths of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	SECRETARY OF STATE		
	B—CENTENNIAL COMMISSION		
40a	Programs and Projects of National Significance, including grants towards such programs and projects.....	.....	4,279,600*

*Net Total \$713,266.67.

SCHEDULE F

Based on the Supplementary Estimates (A), 1966-67. The amount hereby granted is \$4,716,666.67, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE		
	GOVERNMENT ADMINISTRATION		
15a	Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the <i>Public Servants Inventions Act</i> , subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations.....	45,000,000	
	LOANS, INVESTMENTS AND ADVANCES		
	MINES AND TECHNICAL SURVEYS		
L40a	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	11,600,000	
			56,600,000*

*Net total \$4,716,666.67.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 52

An Act to provide assistance to livestock feeders in
Eastern Canada and British Columbia.

[Assented to 17th November, 1966.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

SHORT TITLE.

1. This Act may be cited as the *Livestock Feed Assistance Act*. Short title.

INTERPRETATION.

2. (1) In this Act,
- | | |
|--|--|
| (a) "Advisory Committee" or "Committee" means the Livestock Feed Board Advisory Committee established by section 15; | Definitions.
"Advisory Committee" or "Committee". |
| (b) "Board" means the Canadian Livestock Feed Board established by section 3; | "Board." |
| (c) "British Columbia" means the Province of British Columbia other than
(i) the part known as the Peace River District, and
(ii) except for the purpose of making payments related to the cost of feed grain transported into the Creston-Wynndel Areas, the part known as the Creston-Wynndel Areas; | "British Columbia." |
| (d) "Chairman" means the Chairman of the Board; | "Chairman." |
| (e) "designated area" means that area comprised of the Provinces of Manitoba, Saskatchewan and Alberta and those parts of the Province of British Columbia known as the Peace River District and the Creston-Wynndel Areas; | "Designated area." |

"Eastern Canada."	(f) "Eastern Canada" means all that part of Canada lying east of the meridian passing through the eastern boundary of the City of Port Arthur and such other areas in Ontario as the Governor in Council may designate;
"Feed grain."	(g) "feed grain" means wheat, other than grades of wheat grown in the designated area and designated by regulation not to be feed grain for the purposes of this Act, oats and barley and such other grains and grain products as may be designated by regulation as feed grain for the purposes of this Act;
"Livestock."	(h) "livestock" means cattle, sheep, swine and poultry and such other classes of livestock as may be designated by regulation as livestock for the purposes of this Act;
"Livestock feeder."	(i) "livestock feeder" means a person who raises livestock in Eastern Canada or British Columbia;
"Minister."	(j) "Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council;
"Order."	(k) "order" means an order of the Board and includes "instructions to the trade" issued by the Board;
"Regulation."	(l) "regulation" means a regulation made by the Governor in Council under this Act; and
"Vice-Chairman."	(m) "Vice-Chairman" means the Vice-Chairman of the Board.
Words and expressions.	(2) Unless otherwise provided, words and expressions used in this Act have the same meaning as in the <i>Canada Grain Act</i> .

CANADIAN LIVESTOCK FEED BOARD.

Board established.	3. A corporation is hereby established to be known as the Canadian Livestock Feed Board, consisting of not less than three nor more than five members appointed by the Governor in Council.
Tenure of office.	4. (1) Each of the members of the Board shall be appointed to hold office during good behaviour but may be removed for cause at any time by the Governor in Council, and no member shall hold office beyond the age of seventy years.
Chairman and Vice-Chairman.	(2) The Governor in Council shall designate one of the members as Chairman and another as Vice-Chairman of the Board, and at meetings of the Board the Chairman, and in his absence the Vice-Chairman, shall preside.

OBJECTS, POWERS AND DUTIES.

- 5.** The objects of the Board are to ensure Objects.
- (a) the availability of feed grain to meet the needs of livestock feeders;
 - (b) the availability of adequate storage space in Eastern Canada for feed grain to meet the needs of livestock feeders;
 - (c) reasonable stability in the price of feed grain in Eastern Canada and in British Columbia; and
 - (d) fair equalization of feed grain prices in Eastern Canada and in British Columbia.
- 6.** The Board may, in furtherance of its objects, Powers.
- (a) make
 - (i) payments related to the cost of feed grain storage in Eastern Canada, and
 - (ii) payments related to the cost of feed grain transportation,
 to or for the benefit of livestock feeders in accordance with the regulations;
 - (b) conduct negotiations with any agency or person involved in feed grain storage or handling for the purpose of reducing or stabilizing the cost of storage and handling and for the purpose of obtaining adequate storage space for feed grain in Eastern Canada;
 - (c) allocate space reserved for its use in any storage facility among persons requiring feed grain storage facilities in Eastern Canada;
 - (d) conduct negotiations for the obtaining of licences for the importation of feed grain into Canada for use outside the designated area and, within the provisions of any such licence obtained in its name, contract with feed grain dealers in Canada for the importation of feed grain by them into Canada under the terms of such licence;
 - (e) with the approval of the Governor in Council, acquire, hold or dispose of real property;
 - (f) carry out or enter into contracts or other arrangements for carrying out studies relating to feed grain prices;
 - (g) by order served personally or by registered mail, require any person engaged in the business of storing, handling or shipping feed grain in Eastern Canada or British Columbia, or any livestock feeder, to furnish in writing to the Board within such reasonable time as may

be stipulated in the order, information relating to feed grain consumption, storage, handling, shipping or pricing in Eastern Canada or British Columbia;

- (h) establish branches in Canada or employ agents of the Board in Canada or elsewhere;
- (i) authorize any officer or employee of the Board or any other person to act on behalf of the Board in the conduct of its operations under this Act;
- (j) act as agent for or on behalf of any Minister of the Crown or as agent of Her Majesty in right of Canada in respect of any operations that it may be directed to carry out by the Governor in Council; and
- (k) generally, do and authorize such acts and things as are necessary or incidental to the attainment of the objects and purposes of the Board and the exercise of its powers and the performance of its duties.

Duties.

7.

- (1) It shall be the duty of the Board
 - (a) to make a continuing study of feed grain requirements in Eastern Canada and British Columbia, of the availability of feed grain and of the requirements for additional feed grain storage facilities in those areas;
 - (b) to make recommendations to the Minister with respect to the requirements for additional feed grain storage facilities in Eastern Canada;
 - (c) generally, to advise the government on all matters pertaining to the stabilization and fair equalization of feed grain prices to livestock feeders; and
 - (d) to the greatest possible extent consistent with its objects, to consult and cooperate with all departments, branches or other agencies of the Government of Canada or of any province having duties related to, or having aims or objects related to those of the Board.

Special inquiries and investigations.

(2) The Governor in Council may, from time to time, empower the Board to make inquiries and investigations in respect of any matter directly related to

- (a) transportation, storage or handling of feed grain in Eastern Canada and British Columbia,
- (b) supplies and prices of feed grain in such areas, and
- (c) payments related to the cost of feed grain storage or transportation made under this Act,

and for the purposes of any such inquiry or investigation, empower the Board or any of the members thereof to exercise the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

ADDITIONAL POWERS.

- 8.** (1) The Board may, in furtherance of its objects, at any time when it is so authorized by regulation
- (a) buy or enter into contracts or agreements for the purchase of feed grain in Eastern Canada and British Columbia and in the designated area, but where any purchase is made by the Board within the designated area of grain then being purchased in that area by the Canadian Wheat Board, such purchase by the Board shall be made from the Canadian Wheat Board or an agent thereof;
- (b) within the provisions of any licence obtained in its name authorizing it to import feed grain, buy or enter into contracts or agreements for the purchase of feed grain outside Canada and import such feed grain into Canada; and
- (c) take delivery of, ship, store, handle and, subject to subsection (2), sell or otherwise dispose of feed grain in Eastern Canada or British Columbia and enter into contracts for the delivery, shipping, storage, handling, insurance and sale or other disposition of such feed grain.

Purchase,
etc. of feed
grain.

(2) The Board shall sell or otherwise dispose of feed grain acquired by it pursuant to this section in accordance with sound commercial practices for such price as it considers reasonable with the object of recovering the costs incurred by it in respect of the feed grain, including the purchase price of the feed grain, costs of handling, storage and transportation thereof and any administration costs applicable to the purchase and sale thereof minus any payments related to the cost of feed grain storage or to the cost of feed grain transportation paid by the Board to its own account pursuant to paragraph (a) of section 6 in respect of the feed grain.

Sale of feed
grain.

ORGANIZATION.

- 9.** (1) The Board is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.
- (2) The Board may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Board.

Board agent
of Her
Majesty.

Contracts.

Property. (3) Property acquired by the Board is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Board.

Proceedings. (4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Board in the name of the Board in any court that would have jurisdiction if the Board were not an agent of Her Majesty.

By-laws. **10.** The Board may, subject to the approval of the Governor in Council, make by-laws for the regulation of its proceedings and generally for the conduct of its activities.

Chairman to be chief executive officer. **11.** The Chairman is the chief executive officer of the Board and has supervision over and direction of the work and staff of the Board.

Salaries and expenses. **12.** Members of the Board shall be paid such salaries as are fixed by the Governor in Council, and each member is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the course of his duties under this Act.

Quorum. **13.** (1) A majority of the members constitutes a quorum of the Board.

Vacancy. (2) A vacancy in the membership of the Board does not impair the right of the remaining members to Act.

Officers, employees. **14.** (1) The Board may
 (a) appoint such officers and employees as are necessary for the proper conduct of the work of the Board; and
 (b) prescribe the duties of such officers and employees and, subject to the approval of the Treasury Board, prescribe the conditions of their employment.

Salaries and expenses of staff. (2) The officers and employees of the Board appointed as provided in subsection (1) shall be paid such salaries and expenses as are fixed by the Board with the approval of the Treasury Board.

ADVISORY COMMITTEE.

Canadian Livestock Feed Board Advisory Committee. **15.** (1) There shall be a committee to be known as the Canadian Livestock Feed Board Advisory Committee consisting of not less than five nor more than seven members each of whom shall be appointed by the Governor in Council for such term, not exceeding five years, as will

ensure as far as possible the expiration in any one year of the terms of appointment of not more than two members, and one of whom shall be appointed by the Governor in Council to be the Chairman of the Committee.

(2) Each of the members of the Advisory Committee is entitled to be paid such allowance for each day he attends any meeting of the Committee as may be fixed by the Governor in Council and is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the course of his duties as a member of the Committee.

Remuneration and expenses of members.

(3) The Advisory Committee shall meet at least once a year at the headquarters of the Board, and at such other times and places as it deems necessary in order to carry out its duties under this Act.

Meetings.

(4) The Minister or the Board may call meetings of the Advisory Committee to be held at such time and place as he or it may determine.

Idem.

(5) The Advisory Committee may make such rules as it deems necessary for the regulation of its proceedings, for the fixing of a quorum for any of its meetings and generally for the conduct of its activities.

Rules of procedure.

(6) It shall be the duty of the Advisory Committee

Duties of the Committee.

- (a) to study and review all matters relating to feed grain transportation, storage, prices and consumption that it may deem necessary, together with those that are referred to it either by the Minister or by the Board; and
- (b) to report to the Minister and the Board, with any recommendations that the Committee considers desirable, the results of each study and review conducted by it.

FINANCIAL.

16. (1) All expenditures under this Act, including amounts required for

Appropriations.

- (a) payments related to the cost of feed grain transportation or the cost of feed grain storage made under paragraph (a) of section 6, and
- (b) payment of salaries and other expenses including expenses of administration,

but excluding amounts described in subsection (2), shall be paid out of moneys appropriated by Parliament therefor.

(2) Subject to subsection (4), all amounts required by the Board to defray any costs incurred by it pursuant to subsection (1) of section 8 shall be paid out of the Consolidated Revenue Fund.

Payments out of C.R.F.

Canadian
Livestock
Feed Board
Account.

(3) There shall be established in the Consolidated Revenue Fund an Account to be known as the Canadian Livestock Feed Board Account to which shall be credited all moneys received from the sale or other disposition of feed grain by the Board pursuant to subsection (2) of section 8 and to which shall be charged all amounts paid out under subsection (2) of this section.

Maximum
payment.

(4) No payment out of the Consolidated Revenue Fund under subsection (2) shall exceed

(a) the amount by which ten million dollars exceeds the balance of the Canadian Livestock Feed Board Account, and

(b) any amount advanced under section 17.

"Balance of
Canadian
Livestock
Feed Board
Account"
defined.

(5) For the purpose of subsection (4), "balance of the Canadian Livestock Feed Board Account" means the aggregate of all payments charged to the Account minus the aggregate of all amounts credited to the Account.

Advances.

17. (1) The Governor in Council may authorize the Minister of Finance, on behalf of Her Majesty, to make advances to the Board on such terms and conditions as may be agreed upon.

Idem.

(2) The total amount outstanding at any time of advances made under subsection (1) shall not exceed fifty million dollars.

Audit.

18. The accounts and financial transactions of the Board shall be audited annually by the Auditor General and a report of the audit shall be made to the Minister and to the Board.

REGULATIONS.

Regulations.

- 19.** The Governor in Council may make regulations,
- (a) prescribing, with respect to payments related to the cost of feed grain storage and with respect to payments related to the cost of feed grain transportation, the classes of persons to whom and the terms and conditions on which such payments may be made and the rate of such payments within each of such areas within Eastern Canada and British Columbia as may be prescribed by the regulations;
 - (b) authorizing the Board to exercise the powers conferred on it by section 8 for any period or periods prescribed by the regulations, but in no case shall any period so prescribed be of a duration that is less than the remainder of the crop year in which such regulation is made;
 - (c) designating

- (i) any area in Ontario lying west of the meridian passing through the eastern boundary of the City of Port Arthur to be part of Eastern Canada,
- (ii) any grade of wheat grown in the designated area not to be a feed grain,
- (iii) any grain or grain product to be a feed grain, or
- (iv) any class of livestock to be livestock, for the purposes of this Act;
- (d) designating any city in Eastern Canada to be the city in which the headquarters of the Board shall be situated; and
- (e) with respect to any other matter concerning which he deems regulations necessary or desirable to carry out the purposes and provisions of this Act.

OFFENCES.

20.

- (1) Every person who
- (a) knowingly makes a false or misleading statement in any application or declaration made under this Act or the regulations or makes any such application or declaration that by reason of any non-disclosure of facts is false or misleading, or obtains any feed grain storage payment or feed grain cost equalization payment by false pretences, or
- (b) fails to comply with an order issued to him pursuant to this Act

Offence and punishment.

is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Where a corporation is guilty of an offence under this section, every officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided by subsection (1) whether or not the corporation has been prosecuted or convicted therefor.

Officer, director or agent of a corporation.

(3) A prosecution under subsection (1) may be instituted within two years from the time when the subject matter of the complaint arose.

Limitation on offences.

21. In any proceedings in any court or before any justice of the peace taken in respect of any alleged offence under section 20, a document purporting to be a copy of an order issued pursuant to this Act certified by a member of

Evidence.

the Board is, without proof of the signature of the member of the Board, admissible in evidence and has the same probative force as the original document would have if it were proven in the ordinary way.

REPORT TO PARLIAMENT.

Annual
report to
be made.

22. The Board shall on or before the 31st day of March or such other day as the Governor in Council may fix, transmit to the Minister a report relating to the activities of the Board for the crop year ending on the 31st day of the month of July preceding the date of such report including the financial statements of the Board and the Auditor General's report thereon, and the Minister shall cause such report to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 53

An Act to amend the National Housing Act, 1954.

[Assented to 22nd November, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. All that portion of paragraph (a) of subsection (6) of section 6 of the *National Housing Act, 1954* preceding subparagraph (i) thereof is repealed and the following substituted therefor:

1953-54, c. 23;
1956, c. 9;
1957-58, c. 18;
1958, c. 3;
1959, c. 6;
1960, c. 10;
1960-61,
cc. 1, 61;
1962-63, c. 17;
1964-65, c. 15;
1965, c. 3.

“(a) in respect of a loan to a home owner, to a builder who intends to sell the house to a home purchaser, to the person who owns the farm, to a co-operative housing association, or to a person who intends to purchase, improve and occupy an existing house,”

2. (1) Paragraph (a) of subsection (1) of section 7 of the said Act is amended by striking out the word “or” at the end of subparagraph (i) thereof, by adding the word “or” at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

“(iii) for the purpose of assisting in the purchase and improvement of an existing house,”

(2) Paragraph (b) of subsection (1) of section 7 of the said Act is amended by striking out the word “or” at the end of subparagraph (iv) thereof, by adding the word “or” at the end of subparagraph (v) thereof and by adding thereto the following subparagraph:

“(vi) a person who intends to purchase, improve and occupy an existing house or one of the family housing units thereof;”

1960-61, c. 1,
s. 2(4).

(3) Subparagraph (iii) of paragraph (e) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(iii) 90% of the other one-half of the lending value, and”

1960-61, c. 1,
s. 2(5).

(4) Subparagraph (ii) of paragraph (f) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(ii) 90% of the other one-half of the lending value, and”

1960-61, c. 1,
s. 2(8).

(5) Subparagraph (iii) of paragraph (h) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(iii) 90% of the other one-half of the lending value of each house, and”

1960-61, c. 1,
s. 2(9).

(6) Subparagraph (i) of paragraph (i) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(i) 90% of the lending value of the multiple family dwellings, and”

1960-61, c. 1,
s. 2(10).

(7) Subparagraph (i) of paragraph (j) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(i) 90% of the lending value of the project, and”

(8) Subsection (1) of section 7 of the said Act is further amended by adding thereto, immediately after paragraph (l) thereof, the following paragraph:

“(la) when made to assist in the purchase and improvement of an existing house, it did not exceed the aggregate of

(i) 95% of the lending value of the house as improved, and

(ii) the amount of the insurance fee paid in respect of the loan;”

(9) Subsection (1) of section 7 of the said Act is further amended by adding thereto, immediately after paragraph (q) thereof, the following paragraph:

“(qa) when made to assist in the purchase and improvement of an existing house, it is

- (i) for a term of at least twenty-five years but not more than thirty-five years, or
- (ii) for a term less than twenty-five years if the useful life of the house as improved, as determined by the Corporation, is less than twenty-five years, or the borrower so requested in writing;”

(10) Paragraph (s) of subsection (1) of section 7 of the said Act is amended by striking out the word “or” at the end of subparagraph (ii) thereof, by adding the word “or” at the end of subparagraph (iii) thereof and by adding thereto the following subparagraph:

“(iv) in the case of a loan made to assist in the purchase and improvement of an existing house the instalments of which are insured, in such instalments as have been determined by the Corporation;”

3. Subsection (1) of section 12 of the said Act is amended by adding thereto, immediately after paragraph (a) thereof, the following paragraph:

“(ab) determine, in the case of any loan made to assist in the purchase and improvement of an existing house, the minimum amount of the loan that may be used for improvement of the house;”

4. Section 13 of the said Act is repealed and the following substituted therefor: 1965, c. 3,
s. 1.

“**13.** Notwithstanding anything in this Act, the aggregate amount of all loans in respect of which insurance policies have been issued under this Act shall not exceed nine and one-half billion dollars.” Aggregate
maximum.

5. All that portion of subsection (1) of section 22 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 1965, c. 3,
s. 2.

“**22.** (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of Advances out
of C.R.F.

the Consolidated Revenue Fund, not exceeding in the aggregate four billion dollars”

1960-61, c. 1,
s. 7.

6. The heading to Part VIA of the said Act is repealed and the following substituted therefor:

“LOANS FOR STUDENT HOUSING PROJECTS.”

1964-65, c. 15,
s. 10.

7. Paragraph (b) of section 36A of the said Act is repealed and the following substituted therefor:

“Student
housing
project.”

“(b) “student housing project” means a project undertaken to provide students and their families with housing accommodation of the hostel or dormitory type or in the form of a housing project, including such other facilities in connection therewith as are, in the opinion of the Corporation, necessary for the operation of the project.”

1964-65, c. 15,
s. 11.

8. Subsection (1) of section 36B of the said Act is repealed and the following substituted therefor:

Loans to
student
housing
projects.

“36B. (1) Subject to subsection (1a), the Corporation may, with the approval of the Governor in Council, make a loan to a province or agency thereof, a municipality or agency thereof, a hospital, a school board, a university or college, a co-operative association or a charitable corporation for the purpose of assisting in the construction of a student housing project or the acquisition of existing buildings and their conversion into a student housing project.

Provincial
approval.

(1a) No loan shall be made under subsection (1) except to a province unless the government of the province concerned has approved the making of the loan.”

1965, c. 3,
s. 5.

9. All that portion of subsection (2) of section 36c of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Idem.

“(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which three hundred and fifty million dollars exceeds the aggregate of”

10. (1) All that portion of subsection (1) of section 36G of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 1964-65, c. 15, s. 14(1).

"36G. (1) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is completed to the satisfaction of the Corporation on or before the 31st day of March, 1970, the Corporation may forgive payment by the borrower of" Reduction of indebtedness where project completed on or before March 31, 1970.

(2) Subsection (2) of section 36G of the said Act is repealed and the following substituted therefor: 1964-65, c. 15, s. 14(2).

"(2) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is not completed on or before the 31st day of March, 1970, the Corporation may forgive payment by the borrower of" Reduction of indebtedness where project completed after March 31, 1970.

(a) 25% of that portion of the principal amount of the loan that has been advanced to the borrower as of the 31st day of March, 1970; and

(b) 25% of the interest that has accrued as of the 31st day of March, 1970, on the portion of the loan referred to in paragraph (a)."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 54

An Act to amend the Bank Act and the
Quebec Savings Banks Act.

[Assented to 28th November, 1966].

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

1. Section 6 of the *Bank Act* is repealed and the
following substituted therefor:

1953-54, c. 48;
1964, c. 10;
1965, c. 7;
1966-67, c. 7.

“6. Subject to this Act,

(a) if Parliament sits on at least twenty days
during the month of December, 1966, the
bank may carry on the business of banking
until the 1st day of January, 1967, and no
longer, and

(b) if Parliament does not sit on at least twenty
days during the month of December, 1966, the
bank may carry on the business of banking
until the sixtieth sitting day of Parliament
next thereafter, and no longer.”

Duration of
authority to
carry on
business.

2. Section 6 of the *Quebec Savings Banks Act*
is repealed and the following substituted therefor:

1953-54, c. 41;
1957, c. 12;
1963, c. 27;
1964-65, c. 10;
1965, c. 7;
1966-67, c. 7.

“6. Subject to this Act,

(a) if Parliament sits on at least twenty days
during the month of December, 1966, the bank
may carry on the business of banking until the
1st day of January, 1967, and no longer, and

(b) if Parliament does not sit on at least twenty
days during the month of December, 1966, the

Duration of
authority to
carry on
business.

bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 55

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 30th November, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 9, 1966*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, five hundred and forty-two million, nine hundred and eighty-two thousand, six hundred and seventy-three dollars and ninety-six cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966 to the 31st day of March, 1967, not otherwise provided for, and being the aggregate of

\$1,542,982,-
673.96
granted for
1966-67.

(a) the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1967, except items for

departments already provided for in *Appropriation Act No. 6, 1966*, as contained in Schedule A, less the amounts voted on account of the said items by the *Appropriation Act No. 3, 1966*, the *Appropriation Act No. 5, 1966*, the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.....

-\$1,133,906,436.98;
- (b) the total of the amounts of the items set forth in the Supplementary Estimates (A) for the fiscal year ending the 31st day of March, 1967, as contained in Schedule B, less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.....\$80,371,604.98;
- (c) the total of the amounts of the items set forth in the Supplementary Estimates (B) for the fiscal year ending the 31st day of March, 1967, as contained in Schedule (C) less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.....\$21,509,000.00;
- (d) the total of the amounts of the items set forth in the Supplementary Estimates (C) for the fiscal year ending the 31st day of March, 1967, as contained in Schedule D.....\$307,195,632.00.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. Account to be rendered R.S., c. 116.

SCHEDULE A

Based on the Main Estimates, 1966-67. The amount hereby granted is \$1,133,906,436.98, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 3, 1966*, the *Appropriation Act No. 5, 1966*, the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	ADMINISTRATION		
1	Departmental Administration including the Canadian Agricultural Services Co-ordinating Committee, contributions to the Commonwealth Agricultural Bureaux and a special contribution not exceeding \$20,000 to the Agricultural Economics Research Council, subject to approval by the Treasury Board.....	4,750,800	
	RESEARCH		
5	Administration, Operation and Maintenance including Canada's fee for membership in the International Society for Horticultural Science, an amount of \$450,000 for grants in aid of agricultural research in universities and other scientific organizations in Canada and the costs of publishing departmental research papers as supplements to the "Canadian Entomologist".....	27,973,500	
10	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,387,000	
	PRODUCTION AND MARKETING		
	Administration		
15	Administration, Operation and Maintenance including the administration of the <i>Agricultural Stabilization Act</i> , and contributions to assist in the Marketing of Agricultural Products subject to the approval of Treasury Board.....	2,506,300	
	Animal and Animal Products		
20	Administration, Operation and Maintenance including Canada's fee for membership in the International Dairy Federation.....	6,772,400	
25	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	12,882,100	
	Plant and Plant Products		
30	Administration, Operation and Maintenance.....	6,562,300	
35	Grants, Contributions and Subsidies as detailed in the Estimates.....	8,148,900	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE (Concluded)		
	HEALTH OF ANIMALS		
40	Administration, Operation and Maintenance including Canada's fee for membership in the Office International des Epizooties, and authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year from packers requiring special services.....	13,446,300	
45	Grants, Contributions and Subsidies as detailed in the Estimates.....	1,032,600	
	BOARD OF GRAIN COMMISSIONERS		
50	Administration, Operation and Maintenance including authority to purchase screenings.....	8,302,200	
	LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS		
	Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the <i>Prairie Farm Rehabilitation Act</i> Program, Land Protection, Reclamation and Development—		
55	Administration, Operation and Maintenance including Canada's fee for membership in the International Commission on Irrigation and Drainage.....	9,508,000	
60	Construction or Acquisition of Buildings, Works, Land and Equipment.....	19,761,000	127,033,400
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
1	Administration Expenses of the Atomic Energy Control Board..	215,500	
5	Grants for Researches and Investigations with respect to Atomic Energy.....	2,000,000	
	ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM)		
10	Current Operation and Maintenance, including expendable research equipment.....	46,695,500	
15	Construction or Acquisition of Buildings, Works, Land and Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited.....	10,292,200	59,203,200
	AUDITOR GENERAL'S OFFICE		
1	Salaries and Expenses of Office.....		1,804,000
	BOARD OF BROADCAST GOVERNORS		
1	Salaries and other Expenses.....		508,000

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CANADIAN BROADCASTING CORPORATION		
	CANADIAN BROADCASTING CORPORATION		
1	Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service.....	110,643,000	
	INTERNATIONAL BROADCASTING SERVICE		
5	International Broadcasting Service including authority to credit to the appropriation revenue from the rental of facilities in Montreal, Sackville and Vancouver to an amount of \$468,000 and to re-expend these moneys for the purposes of the International Broadcasting Service.....	2,841,000	113,484,000
	OFFICE OF THE CHIEF ELECTORAL OFFICER		
1	Salaries and Expenses of Office.....		112,000
	CIVIL SERVICE COMMISSION		
1	Salaries and Contingencies of the Commission including compensation in accordance with the Incentive Award Plan of the Public Service of Canada.....		8,087,900
	DOMINION BUREAU OF STATISTICS		
1	Administration and Operation including the fee for membership in the Inter-American Statistical Institute and a contribution of \$500 to the International Statistical Institute	16,904,500	
5	1961 Decennial Census of Canada.....	221,700	
10	1966 Quinquennial Census of Canada.....	9,000,000	26,126,200
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
1	Administration, Operation and Maintenance including payment of remuneration, subject to the approval of the Governor in Council and notwithstanding the <i>Civil Service Act</i> , in connection with the assignment by the Canadian Government of Canadians to the staffs of the International Organizations detailed in the Estimates, and authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of those Organizations of such expenses, and authority, notwithstanding the <i>Civil Service Act</i> , for the appointment and fixing of salaries of Commissioners (International Commissions for Supervision and Control in Indo-China), Secretaries and staff by the Governor in Council; assistance and repatriation of distressed Canadian citizens and persons of Canadian domicile abroad, including their dependents; payment to the Roosevelt Campobello International Park Commission for the purposes and subject to the provisions of the Act respecting the Commission established to administer the Roosevelt Campobello International Park; a cultural relations and academic exchange program with the French community; payment to the Gut Dam International Arbitral Tribunal, and grants as detailed in the Estimates.....	15,403,400	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS (Concluded)		
	A—DEPARTMENT (Concluded)		
5	Representation Abroad—Operational—including authority, notwithstanding the <i>Civil Service Act</i> , for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council.....	19,131,000	
10	Representation Abroad—Construction, acquisition or improvement of Buildings, Works, Land, Equipment and Furnishings.....	3,095,000	
15	Assessments, contributions and other payments to International (including Commonwealth) Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to make payments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1965, which is.....	26,993,700	
	EXTERNAL AID OFFICE		
30	Salaries and Expenses.....	1,660,200	
35	Economic, technical, educational and other assistance as detailed in the Estimates including authority to credit the amount of the subvote for International Development Assistance to the special account in the Consolidated Revenue Fund established by External Affairs Vote 33d of <i>Appropriation Act No. 2, 1965</i>	84,100,000	150,383,300
	B—INTERNATIONAL JOINT COMMISSION		
40	Salaries and Expenses of the Commission and Canada's share of the expenses of studies, surveys and investigations of the Commission.....		392,000
	FINANCE		
	ADMINISTRATION		
1	Departmental Administration including administration of the Guaranteed Loans Acts and the Inspector General of Banks' Office, and payments to provinces and grants as detailed in the Estimates.....	4,332,900	
	SUBSIDIES AND OTHER PAYMENTS TO PROVINCES		
5	Payments, computed in accordance with terms and conditions approved by the Governor in Council, to the Government of each Province, in respect of income tax paid by corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam; the said payments to be made in respect of such part of the income of the corporations for the taxation year ending in the calendar year 1964 (as determined under and for the purposes of the <i>Income Tax Act</i>) as is derived from the said distribution or generation in the Province to which payment is made and in respect of similar income of such corporations for any taxation year ending in a calendar year prior to 1964 that was not taken into account in computing payments made in respect of that taxation year....	7,300,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE (Concluded)		
	MUNICIPAL GRANTS		
10	Grants to Municipalities in accordance with the <i>Municipal Grants Act</i> and Regulations made thereunder, and grants to municipalities in lieu of redevelopment charges in accordance with terms and conditions prescribed by the Governor in Council.....	38,300,000	
	GOVERNMENT ADMINISTRATION		
15	Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the <i>Public Servants Inventions Act</i> , subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations.....	15,000,000	
17	Government's contribution as an employer under the Canada Pension Plan and the Quebec Pension Plan in respect of persons employed in the Public Service whose remuneration is payable out of the Consolidated Revenue Fund....	14,500,000	
20	Government's share of surgical-medical insurance premiums and Government's contributions to pension plans and death benefit plans for employees engaged locally outside Canada who are excluded from the <i>Public Service Superannuation Act</i> , to the Unemployment Insurance Fund in respect of Government employees paid through the Central Pay Office and to the Hospital Insurance (Outside Canada) Plan.....	11,575,000	
	COMPTROLLER OF THE TREASURY		
25	Administration, including the administration of the Superannuation and Retirement Acts and recoverable expenditures on behalf of the Canada Pension Plan.....	25,505,300	
	TARIFF BOARD		
30	Administration.....	322,100	
	ROYAL CANADIAN MINT		
35	Administration, Operation and Maintenance.....	3,244,000	
40	Construction or Acquisition of Equipment.....	163,300	
	MUNICIPAL DEVELOPMENT AND LOAN BOARD		
45	Administration.....	153,000	
	FISHERIES		
1	Departmental Administration, including grants and contributions as detailed in the Estimates.....	1,552,000	120,395,600

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES (Concluded)		
	FISHERIES MANAGEMENT AND DEVELOPMENT		
5	Operation and Maintenance, including Canada's share of the expenses of the International Commissions detailed in the Estimates and of the costs of programs and projects shared jointly with the Provinces and industry.....	18,099,000	
10	Construction or Acquisition of Buildings, Works, Land and Equipment, including acquisition of land for the International Pacific Salmon Fisheries Commission, as required by Article VIII of the Convention.....	4,822,000	
15	Grants, contributions and subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	3,025,000	
	FISHERIES RESEARCH BOARD OF CANADA		
20	Administration, Operation and Maintenance, including an amount of \$265,000 for grants for Fisheries Research and for Scholarships and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research.....	8,770,000	
25	Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,000,000	39,268,000
	INSURANCE		
1	Departmental Administration.....		992,700
	JUSTICE		
1	Administration including the Office of the Superintendent of Bankruptcy, grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory.....	2,719,950	
5	<i>Combines Investigation Act</i> —Administration (control and supervision vested in the President of the Privy Council)..	903,200	3,623,150
	LABOUR		
1	General Administration, including grants as detailed in the Estimates; the expenses of the International Labour Conferences and the promotion of labour-management co-operation.....	4,569,100	
5	Payments of transitional assistance, in accordance with regulations approved by the Governor in Council, to workers in automotive manufacturing and parts industries who become unemployed as a result of the operation of the Canada-United States Agreement on Automotive Products.....	1,500,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR (Concluded)		
	ANNUITIES ACT		
10	Administration and Government's Contribution to Annuities Agents Pension Account in accordance with Regulations made pursuant to Vote 181, <i>Appropriation Act No. 5, 1961</i> ..	1,169,600	
	GOVERNMENT EMPLOYEES AND MERCHANT SEAMEN COMPENSATION		
15	Administration of the <i>Government Employees Compensation Act</i>	147,700	7,386,400
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
1	Departmental Administration including the administration of the <i>Explosives Act</i> , Canada's fee for membership in the Pan-American Institute of Geography and History and a grant of \$10,000 to the Mining Association of British Columbia.....	3,217,400	
5	Construction or Acquisition of Buildings, Works, Land and Equipment including Common-use Field Survey Equipment.....	513,000	
10	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, to assist in the development of roads leading to resources.....	4,527,500	
15	Subventions in respect to Eastern Coal under Agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	2,000,000	
	FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING		
20	Administration, Operation and Maintenance including purchases of air photography, the expenses of the Interdepartmental Committee on Air Surveys, the expenses of the National Advisory Committee on Control Surveys and Mapping, authority to make recoverable advances not exceeding the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights, and grants as detailed in the Estimates.....	8,589,400	
	MARINE SURVEYS AND RESEARCH		
25	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	9,181,200	
30	Construction or Acquisition of Buildings, Works, Land and Equipment.....	7,243,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS (Continued)		
	A—DEPARTMENT (Continued)		
	GEOLOGICAL RESEARCH		
35	Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Geological Sciences, Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and \$150,000 for grants in aid of Geological Research in Canadian Universities.....	6,927,000	
40	Construction or Acquisition of Building, Works, Land and Equipment.....	2,198,000	
	MINING AND METALLURGICAL INVESTIGATIONS AND RESEARCH		
45	Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Mining and Mineral Processing, Canada's share of the cost of the Commonwealth Committee on Mineral Processing and \$100,000 for grants in aid of Mining and Mineral Processing Research in Canadian Universities.....	5,640,700	
50	Construction or Acquisition of Buildings, Works, Land and Equipment.....	578,000	
	GEOGRAPHICAL SURVEYS AND RESEARCH		
55	Administration, Operation and Maintenance including the expenses of the Canadian Permanent Committee on Geographical Names, the National Advisory Committee on Geographical Research and the National Committee for Canada of the International Geographical Union, Canada's fee for membership in the International Geographical Union, and grants as detailed in the Estimates..	962,300	
	RESEARCH IN ASTRONOMY AND GEOPHYSICS		
60	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union, and grants and contributions as detailed in the Estimates.....	2,638,000	
65	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,345,000	
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES (formerly under Northern Affairs and National Resources)		
70	Administration, Operation and Maintenance including Canada's share of the expenses of the International Executive Council, World Power Conference, authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Province of Manitoba and of the Province of Ontario of the cost of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys, and \$50,000 for Grants to Universities for Hydrologic Research.....	5,609,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS (Concluded)		
	A—DEPARTMENT (Concluded)		
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES (formerly under Northern Affairs and National Resources) (Concluded)		
75	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of provincial and outside agencies of the cost of hydrometric surveys.....	1,106,000	
80	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....	10,715,000	
	GENERAL		
85	Polar Continental Shelf Project.....	1,695,000	75,685,500
	B—DOMINION COAL BOARD		
100	Administration and Investigations of the Dominion Coal Board.....		185,400
	C—NATIONAL ENERGY BOARD		
110	Administration.....		1,133,000
	NATIONAL DEFENCE		
1	Departmental Administration, including grants to Military Associations, Institutes and other organizations as detailed in the Estimates and authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , and subject to allotment by the Treasury Board, for total commitments of \$2,632,006,370 for the purposes of Votes 1, 15, 20, 25, 30, 35 and 45 of this Department regardless of the year in which such commitments will come in course of payment (of which it is estimated that \$1,106,752,370 will come due for payment in future years) and authority to make recoverable advances under any of the said votes and, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year from the sale to military personnel of clothing and kit items and revenue received in respect of assistance rendered to the United Nations, any party of the North Atlantic Treaty Organization or any provincial or municipal government.....	5,640,000	
	DEFENCE SERVICES		
15	Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment and Development for the Canadian Forces and \$1,750,000 for Grants to the Town of Oromocto.....	1,420,115,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL DEFENCE (Concluded)		
	DEFENCE RESEARCH		
	Defence Research Board—		
20	Operation and Maintenance.....	30,526,000	
25	Construction or Acquisition of Buildings, Works, Land and Equipment.....	4,828,000	
30	To foster defence research in Canadian industry by supporting selected defence applied research programs, on terms and conditions approved by the Treasury Board.....	5,800,000	
35	Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scienti- fic research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board.....	3,000,000	
	MUTUAL AID		
45	Contributions to infrastructure and the military costs of the North Atlantic Treaty Organization and the transfer of defence equipment and supplies and the provision of services and facilities for defence purposes in accordance with Section 3 of the <i>Defence Appropriation Act, 1950</i> , not exceeding a total of \$30,316,000 including the present value of defence equipment or supplies or the cost of services made available by the Canadian Forces estimated in the amount of \$9,316,000 and provided by appropriations for those Forces in the current and former years in respect of which, notwith- standing sub-section (3) of section 3 of the said Act, no amount shall be charged to this appropriation or paid into a special account; Provided by this vote.....	21,000,000	
	GENERAL		
48	To authorize, notwithstanding the <i>Financial Administration Act</i> and section 11 of the <i>Surplus Crown Assets Act</i> , the payment into the special account in the Consolidated Revenue Fund referred to in National Defence Vote 48 of the Main Estimates for 1965-66 of revenues received during the current and subsequent fiscal years from the sale during the current fiscal year of surplus buildings, works and land not exceeding an aggregate amount of \$5,000,000.....	1	
	PENSIONS AND OTHER BENEFITS		
50	Civil Pensions as detailed in the Estimates and to authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Common- wealth Air Training Plan who were killed, payments to their dependents of amounts equal to the amounts such dependents would have received under the <i>Pension Act</i> , as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance con- tracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organization.....	7,226	
	DEFENCE CONSTRUCTION (1951) LIMITED		
55	Expenses incurred by Defence Construction (1951) Limited in procuring the construction and maintenance of defence projects on behalf of the Department of National Defence and procuring the construction of such other projects as are approved by Treasury Board.....	2,250,000	
			1,493,166,227

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL FILM BOARD		
1	Administration, Production and Distribution of Films and Other Visual Materials.....	6,781,500	
5	Acquisition of Equipment.....	507,700	7,289,200
	NATIONAL GALLERY OF CANADA		
1	Administration, Operation and Maintenance including the payment of \$500,000 to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the <i>National Gallery Act</i> , and grants as detailed in the Estimates.....		1,857,200
	NATIONAL HEALTH AND WELFARE		
	ADMINISTRATION		
1	Departmental Administration including recoverable expenditures on behalf of the Canada Pension Plan.....	2,495,800	
	HEALTH SERVICES		
5	Administration, Operation and Maintenance, including grants as detailed in the Estimates and authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year for prosthetic services.....	9,309,200	
10	To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current year not to exceed a total amount of \$40,407,080.....	32,794,000	
15	To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current year not to exceed a total amount of \$26,959,631.....	20,000,000	
	MEDICAL SERVICES		
20	Administration, Operation and Maintenance, including authority to make recoverable advances in amounts not exceeding in the aggregate the total of all amounts to be paid by the Governments of the Provinces and Territories under agreements to be entered on terms approved by the Governor in Council with such Governments in respect of health assistance to persons residing on Indian Reserves other than Indians and to residents of the Territories other than Indians and Eskimos.....	33,290,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL HEALTH AND WELFARE (Concluded)		
	MEDICAL SERVICES (Concluded)		
25	Construction or Acquisition of Buildings, Works, Land and Equipment including payments to hospitals and other institutions which care for Indians and Eskimos as contributions toward the construction of hospitals and related facilities..	3,450,000	
	FOOD AND DRUG SERVICES		
30	Administration, Operation and Maintenance.....	5,782,000	
35	Construction or Acquisition of Equipment.....	370,000	
	WELFARE SERVICES		
40	Administration, Operation and Maintenance, including recoverable expenditures on behalf of the <i>Canada Pension Plan</i> , and grants as detailed in the Estimates.....	5,503,800	
41	Family Assistance, under such terms and conditions as may be approved by the Treasury Board, in respect of children of immigrants and settlers.....	3,550,000	
45	National Welfare Grants—To authorize, on terms and conditions approved by the Governor in Council, National Welfare Grants to Provinces and Welfare Agencies including Schools of Social Work, and to individuals in the form of scholarships and fellowships.....	2,000,000	118,544,800
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
1	Administration, Operation and Maintenance.....	33,468,000	
5	Construction or Acquisition of Buildings, Works, Land and Equipment.....	7,100,000	
10	Scholarships and Grants in Aid of Research.....	41,000,000	
15	Assistance towards Research in Industry under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current year not to exceed a total amount of \$6,000,000.....	4,500,000	86,068,000
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	ADMINISTRATION		
1	Departmental Administration, including grants as detailed in the Estimates.....	2,196,100	
	RESOURCE DEVELOPMENT		
3	Administration, Operation and Maintenance including a contribution to the Canadian Council of Resource Ministers in an amount equal to one-third the aggregate contribution of the Provinces but not exceeding \$84,000, and grants as detailed in the Estimates.....	1,056,600	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES (Continued)		
	NATURAL AND HISTORIC RESOURCES		
15	Administration, Operation and Maintenance including wildlife resources conservation and development, administration of the <i>Migratory Birds Convention Act</i> and payments to land owners who maintain migratory bird habitat in accordance with agreements entered into on terms and conditions approved by the Governor in Council, payment to National Battlefields Commission for the purposes and subject to the provisions of an Act respecting the National Battlefields at Quebec, grants as detailed in the Estimates and authority to make expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia.....	15,587,400	
20	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make expenditures on the proposed new National Park in the area of Kejimikujik Lake in Nova Scotia and, in respect of National Parks and Historic Sites and Monuments, notwithstanding section 30 of the <i>Financial Administration Act</i> , authority to make commitments for the current fiscal year not to exceed a total amount of \$17,170,700.....	16,055,400	
	INDIAN AFFAIRS (formerly under Citizenship and Immigration)		
30	Administration, Operation and Maintenance including expenditures on works on other than Federal property, grants, contributions and special payments including those specified in the sub-vote titles in the Estimates, recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and Territories and with local School Boards in respect of social assistance to persons residing on Indian reserves other than Indians and the education in Indian schools of children other than Indian children, authority to make grants and contributions pursuant to agreements entered into with the Governments of the Provinces or the Territories or other groups or authorities approved of by the Governor in Council for the provision of welfare and other services to Indians and to authorize the Minister of Northern Affairs and National Resources to provide, in respect of Indian commercial activities, for the instruction and supervision of Indians, the furnishing of materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods.....	72,749,500	
35	Construction or Acquisition of Buildings, Works, Land and Equipment including construction or acquisition of works for Indian Bands, the operation and control of which may be transferred to the Indian Bands at the discretion of the Minister, expenditures on works on other than federal property, assistance to Indians and Indian Bands for the construction or acquisition of housing and other buildings and related works, land and equipment, and recoverable expenditures under agreements entered into with the approval of the Governor in Council with the Governments of the Provinces and the Territories and with local School Boards in respect of the education in Indian Schools of children other than Indian Children.....	23,809,400	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES (Concluded)		
	NORTHERN ADMINISTRATION		
45	Administration, Operation and Maintenance, including the expenses of the Advisory Commission on the Development of Government in the Northwest Territories, grants and contributions as detailed in the Estimates, authority to make recoverable advances for services performed on behalf of the Governments of the Northwest Territories and the Yukon Territory, authority to sell electric power and fuel oil (and to provide services in respect thereof), in accordance with terms and conditions approved by the Governor in Council, to private consumers in remote locations where alternative local sources of supply are not available, and to authorize the Minister of Northern Affairs and National Resources to provide in respect of Eskimo commercial activities for the instruction and supervision of Eskimos, the furnishing of materials, the purchase of finished goods and, notwithstanding any other Act, the sale of such finished goods, and to make payments to Eskimos under social assistance, welfare housing and child welfare programs.....	27,757,200	
50	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expenditures on education and vocational training, authority to make recoverable advances in respect of services provided and work performed on other than federal property when only the Department is capable of performing such service or work, authority for a program of construction or acquisition of housing for Eskimos and the sale of houses to Eskimos on such terms and conditions and at such prices as the Governor in Council may approve including the sale to Eskimos at a price \$1,000 less than the cost for one-room and one-bedroom houses and \$2,000 less than the cost for larger houses, authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year not to exceed, for Education Division, a total amount of \$5,867,600, for Welfare and Industrial Divisions, a total amount of \$3,377,800, for the Yukon Territory, a total amount of \$5,561,000 and for Northwest Territories and Other Field Services, a total amount of \$9,242,900.....	18,746,000	177,957,600
	PUBLIC ARCHIVES AND NATIONAL LIBRARY		
	A—PUBLIC ARCHIVES		
1	General Administration and Technical Services.....		1,341,000
	B—NATIONAL LIBRARY		
5	General Administration including a payment of \$150,000 to the National Library Purchase Account for the purpose of acquiring books, in conformity with section 12 of the <i>National Library Act</i>		929,000

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC PRINTING AND STATIONERY		
1	Departmental Administration.....	244,700	
5	Printing, Binding and Distribution of Official Documents and Publications for sale and distribution to Departments and the Public including the <i>Canada Gazette</i> and the Annual Statutes, and the purchase for sale of such other publications and related material as the Treasury Board may approve.....	4,439,500	4,684,200
	PUBLIC WORKS		
	A—DEPARTMENT		
1	General Administration, including grants as detailed in the Estimates.....	15,772,000	
	ACCOMMODATION SERVICES		
5	Maintenance and operation of public buildings and grounds, acquisition of furniture and furnishings for government departments, including the provision, on a recoverable basis, of accommodation and related services for <i>Canada Pension Plan</i> purposes, and authority to provide assistance to (a) the International Civil Aviation Organization in the form of office accommodation at less than commercial rates and (b) the Ottawa Civil Service Recreation Association in the form of maintenance services in respect of the W. Clifford Clark Memorial Centre in Ottawa.....	69,317,000	
10	Acquisition of equipment and furnishings other than office furnishings.....	548,000	
15	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates...	32,250,000	
	HARBOURS AND RIVERS		
	ENGINEERING SERVICES		
20	Operation and Maintenance.....	7,380,000	
25	Construction or Acquisition of Equipment.....	1,050,000	
30	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates.....	30,250,000	
	ROADS, BRIDGES AND OTHER ENGINEERING SERVICES		
35	Operation and Maintenance including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the operating expenses of the New Westminster Bridge.....	6,043,000	
40	Construction, acquisition, major repairs and improvements of, and plans and sites for the roads, bridges and other engineering works listed in the Details of the Estimates, provided that the amounts within the Vote to be expended on individually listed projects may be increased or decreased subject to the approval of Treasury Board.....	16,675,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS (Concluded)		
	A—DEPARTMENT (Concluded)		
	ROADS, BRIDGES AND OTHER ENGINEERING SERVICES (Concluded)		
50	Trans-Canada Highway— Construction through National Parks.....	1,175,000	
	TESTING LABORATORIES		
55	Operation and Maintenance.....	1,244,000	181,704,000
	B—NATIONAL CAPITAL COMMISSION		
60	Operation and Maintenance, General Administration and interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region.....	7,332,000	
65	Payment to the National Capital Fund.....	18,400,000	25,732,000
	SECRETARY OF STATE		
	A—DEPARTMENT		
1	Departmental Administration including a grant of \$100,000 to the Fathers of Confederation Memorial Trust, Charlotte- town, P.E.I.....	743,600	
5	Corporations Branch.....	197,500	
10	Translation Bureau.....	2,998,600	
	NATIONAL MUSEUM OF CANADA		
15	Administration, Operation and Maintenance.....	2,240,000	
	PATENT AND COPYRIGHT		
	(control and supervision vested in the President of the Privy Council)		
20	Patent Division, Copyright and Industrial Designs Division and Trade Marks Office including contributions to the International Office for the Protection of Literary and Artistic Works and the International Office for the Protec- tion of Industrial Property.....	3,645,300	
	NATIONAL ARTS CENTRE		
22	Administrative expenses of the Office of the Co-ordinator of the National Centre for the Performing Arts.....	199,100	
23	Construction or Acquisition of Buildings, Works, Land and Equipment.....	7,500,000	17,524,100

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	SECRETARY OF STATE (Concluded)		
	B—CENTENNIAL COMMISSION		
35	General Administration, including the National Conference on the Centennial of Confederation.....	3,278,000	
40	Programs and projects of national significance including grants towards such programs and projects.....	9,519,500	
45	Payment to the Centennial of Confederation Fund to enable grants to be made to the Provinces for local projects of a lasting nature (the total of such grants made from the said Fund not to exceed \$18,935,000) and to enable grants to be made to the Provinces for projects included in the Federal-Provincial Confederation Memorial Program.....	13,000,000	25,797,500
	SOLICITOR GENERAL		
	A—OFFICE OF THE SOLICITOR GENERAL		
1	Expenses of the Office of the Solicitor General including administrative expenses of the Committee on Corrections plus such fees, salaries and expenses as may be approved by Treasury Board for members and the panel of consultants and staff named by the Minister to advise and assist the Committee, and grants as detailed in the Estimates.....		543,550
	B—CORRECTIONAL SERVICES		
5	Administration, Operation and Maintenance including compensation to discharged inmates permanently disabled while in Penitentiaries.....	34,769,200	
10	Construction or Acquisition of Buildings, Works, Land and Equipment.....	28,970,000	63,739,200
	C—ROYAL CANADIAN MOUNTED POLICE		
15	National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under contract—Administration, Operation and Maintenance including grants as detailed in the Estimates.....	71,612,300	
20	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,569,000	
25	Payment in the current and subsequent fiscal years of a pension (a) to Mrs. Margaret Cox, Mrs. Victoria Desjardins, Mrs. Nora Jean Massan, Mrs. Margaret Nicholson, Mrs. Catherine Mildred Ralls, Mrs. Doris Freda Sampson, Mrs. Eunice Wainwright, Mrs. K. M. Cobble, Mrs. Robina Holman, Mrs. V. M. Rapeer, Mrs. E. M. Shaw, Mrs. A. A. Sander and Mrs. T. Reay, and to any widow of a former member of the R.C.M. Police who in the year is in receipt of a pension granted under section 78 of the <i>Royal Canadian Mounted Police Pension Continuation Act</i> , in an amount equal to the amount that would be payable in that year to each such person under Schedule B to the <i>Pension Act</i> if each of them were the widow of a Lt-Col. (Army) and entitled, pursuant to the <i>Pension Act</i> , to payment of a pension in that year at the rate set out in Schedule B to that Act minus any amount payable to such person in the year pursuant to any other statutory authority providing for the payment of a pension in respect of the loss of life while engaged in the performance of duty; and		

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	SOLICITOR GENERAL (Concluded)		
	C—ROYAL CANADIAN MOUNTED POLICE (Concluded)		
	(b) to Mrs. Georgina Harrison in an amount equal to the amount that would be payable in that year to her in accordance with Schedule B to the <i>Pension Act</i> if she were the dependent mother of a Lt-Col. (Army) and entitled, pursuant to the <i>Pension Act</i> , to payment of pension in that year at the rate set out in Schedule B to that Act minus any amount payable to her for the year pursuant to any other statutory authority providing for payment of a pension in respect of the loss of life while engaged in the performance of duty.....	18,024	77,199,324
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
1	Departmental Administration including fees for membership in the International Organizations listed in the Details of the Estimates.....	6,664,500	
	Trade Commissioner Service—		
5	Administration, Operation and Maintenance.....	8,179,000	
10	Exhibitions Branch.....	3,932,200	
15	Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of \$55,000 to the Canadian Tourist Association.....	9,825,000	
	STANDARDS BRANCH		
20	Administration and Operation.....	3,922,500	
	1967 WORLD EXHIBITION		
29	Canadian Government Participation in the 1967 World Exhibition, Montreal.....	8,672,000	41,195,200
	TRANSPORT		
	A—DEPARTMENT		
1	Departmental Administration.....	4,899,800	
	MARINE SERVICES		
5	Administration, Operation and Maintenance including fees for membership in the international organizations listed in the details of the Estimates, pensions, grants and contributions as detailed in the Estimates, the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in section 306 of the <i>Canada Shipping Act</i> and, in respect of the Canadian Coast Guard Service, authority to make recoverable advances for transportation, stevedoring and other shipping services performed on behalf of individuals, outside agencies and other governments and authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year not to exceed a total amount of \$24,806,200.....	44,440,100	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Continued)		
	A—DEPARTMENT (Continued)		
	MARINE SERVICES (Concluded)		
10	Construction or Acquisition of Buildings, Works, Land, Vessels and Equipment including payments to Provinces or Municipalities as contributions towards construction done by those bodies and, in respect to Aids to Navigation, authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year not to exceed a total amount of \$5,850,300.....	46,652,000	
	RAILWAYS AND STEAMSHIPS		
15	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1966 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.-Bar Harbor, Maine U.S.A., Ferry Service	16,416,200	
20	Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects.....	27,683,500	
25	Payments in respect of the <i>Maritime Freight Rates Act</i> and to Provinces as contributions, as detailed in the Estimates, to assist highway construction related to the abandonment of railway branch lines, \$45,000 for grants in aid of transportation research in universities, and payments for supplemental pension allowances to railway employees in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	16,039,800	
	AIR SERVICES		
30	Administration, Operation and Maintenance including the administration of the <i>Aeronautics Act</i> and Regulations issued thereunder, the administration of the <i>Radio Act</i> and Regulations issued thereunder, Canada's share of the costs of the international radio, telegraph and telephone organizations listed in the Details of Estimates, Canada's assessment for membership in the World Meteorological Organization and grants as detailed in the Estimates.....	103,875,000	
35	Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities, contributions towards construction done by local or private authorities with respect to such airports; amounts to be paid in settlement of claims for compensation by persons whose property is unjustly affected by the operation of a zoning regulation made under authority of paragraph (j) of subsection (1) of section 4 of the <i>Aeronautics Act</i> , and authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year not to exceed, for Airports and other Ground Services a total amount of \$30,342,900, for Radio Aids to Air and Marine Navigation a total amount of \$15,645,620, and for Meteorological Services a total amount of \$3,454,200.....	42,696,500	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Continued)		
	A—DEPARTMENT (Concluded)		
	AIR SERVICES (Concluded)		
40	Contributions to assist in the establishment or improvement of local airports and related facilities, subsidies towards operation of municipal or other airports, payments to the other Governments or International Agencies that are detailed in the Estimates for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the estimated equivalent in Canadian dollars, grants as detailed in the Estimates for the development of civil aviation, and payments to the Canadian National Railway Company of the difference between revenues and expenses in the operation and maintenance of telecommunication facilities as detailed in the Estimates in accordance with agreements entered into with the Company with the approval of the Governor in Council.....	2,426,300	305,129,200
	B—AIR TRANSPORT BOARD		
75	Salaries and Other Expenses.....		872,800
	C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
80	Administration, Operation and Maintenance.....	1,520,200	
82	Amount to be credited to the Railway Grade Crossing Fund, in addition to the amount to be credited to the Fund under the <i>Railway Act</i> in the current fiscal year, for the general purposes of the Fund and, notwithstanding section 30 of the <i>Financial Administration Act</i> , to authorize the making of commitments totalling \$34,967,000 (in addition to any commitments in respect of which amounts are appropriated under this or any other Act) in the current and subsequent fiscal years.....	10,000,000	11,520,200
	D—CANADIAN MARITIME COMMISSION		
85	Administration of the Commission and the degaussing of Canadian Government Ships and Canadian-owned merchant ships, of 3,000 gross tons to 20,000 gross tons, of Canadian registry or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement.....	466,000	
90	Steamship Subventions for Coastal Services, as detailed in the Estimates.....	8,705,835	
95	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	22,000,000	31,171,835

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Concluded)		
	E—NATIONAL HARBOURS BOARD		
100	Advances to National Harbours Board, subject to the provisions of section 29 of the <i>National Harbours Board Act</i> , to meet reconstruction and capital expenditures during the calendar year 1966 as detailed in the Estimates.	5,138,200	
103	To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in cooperation with others for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding sections 28 and 29 of the <i>National Harbours Board Act</i> , for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account.	544,000	
104	Payment to the National Harbours Board to be applied in payment of the deficit (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) expected to be incurred in the calendar year 1966 in the operation of the Jacques Cartier Bridge, Montreal Harbour	328,400	6,010,600
	F—ST. LAWRENCE SEAWAY AUTHORITY		
105	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council, and to authorize, notwithstanding the <i>Financial Administration Act</i> or any other Act, the disbursement by the authority of revenues derived from the operation and management of such Canals and Works.		2,510,000
	G—ATLANTIC DEVELOPMENT BOARD		
110	Administration and Operation.		1,388,000
	UNEMPLOYMENT INSURANCE COMMISSION		
1	Administration of the <i>Unemployment Insurance Act</i> including recoverable expenditures on behalf of the <i>Canada Pension Plan</i>		35,393,200
	LOANS INVESTMENTS AND ADVANCES		
	ATOMIC ENERGY OF CANADA LIMITED		
L5	Advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of the Douglas Point Generating Station; to share in the construction of the Pickering Generating Station under agreement between the Federal Government, the Province of Ontario and the Hydro Electric Power Commission of Ontario; to finance the construction of an engineering design office at Sheridan Park; to finance the construction of housing and other works near the Whiteshell Nuclear Research Establishment; and to authorize Central Mortgage and Housing Corporation to undertake construction of the said housing and other works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited.	24,625,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS INVESTMENTS AND ADVANCES (Continued)		
	CANADIAN BROADCASTING CORPORATION		
L10	Loans to the Canadian Broadcasting Corporation for the purpose of capital expenditures subject to terms and conditions prescribed by the Governor in Council.....	30,424,000	
	EXTERNAL AFFAIRS		
L20	Additional advance to the Working Capital Fund of the World Health Organization in an amount of \$27,180 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1965, which is.....	29,400	
	External Aid Office		
L25	Special loan assistance for developing countries in the current and subsequent fiscal years, subject to such terms and conditions as the Governor in Council may approve, for the purpose of undertaking such economic, educational and technical projects as may be agreed upon by Canada and the developing countries or recognized international development institutions.....	50,000,000	
	FINANCE		
L30	To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to subsection 1 of section 12 of the <i>Canadian Corporation for the 1967 World Exhibition Act</i> and to subsequently dispose thereof.....	110,000,000	
	MINES AND TECHNICAL SURVEYS		
L40	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	17,500,000	
	NATIONAL DEFENCE		
L45	To authorize in the current and subsequent fiscal years, under such terms and conditions as the Governor in Council prescribes, a capital assistance loan to the Town of Oromocto, New Brunswick, to be covered by town debentures, for the purpose of assisting in completion of the physical development of municipal works and the further development of the Town's assets.....	200,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	Northern Canada Power Commission		
L50	Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with section 15 of the <i>Northern Canada Power Commission Act</i>	1,800,000	

SCHEDULE A—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Concluded)		
	PUBLIC WORKS		
	National Capital Commission		
L60	Loans to the National Capital Commission in accordance with section 16 of the <i>National Capital Act</i> for the purpose of acquiring property in the National Capital Region, excluding property being acquired for the purpose of establishing what is commonly referred to as the "Greenbelt"	11,700,000	
L65	Loans to the National Capital Commission in the current and subsequent fiscal years, in accordance with section 16 of the <i>National Capital Act</i> , for the purpose of acquiring property in that area of the National Capital Region commonly referred to as the "Greenbelt"	1,900,000	
	TRANSPORT		
	General		
L75	Advances to the Nanaimo Harbour Commission on terms and conditions approved by the Governor in Council to assist in financing the construction of an extension to the boat harbour at Commercial Inlet, Nanaimo, British Columbia.	200,000	
L80	Advances to the Toronto Harbour Commissioners on terms and conditions approved by Governor in Council to assist in financing the construction of a new general cargo marine terminal in Toronto Harbour	1,500,000	
	Canadian Overseas Telecommunication Corporation		
L85	Loan to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the <i>Canadian Overseas Telecommunication Corporation Act</i> for additions and betterments to facilities	13,199,000	
	National Harbours Board		
L90	Advances to National Harbours Board, subject to the provisions of section 29 of the <i>National Harbours Board Act</i> , to meet expenditures applicable to the calendar year 1966 on any or all of the following accounts: Reconstruction and Capital Expenditures— St. John's, Nfld. \$ 500,000 Belledune	7,700,000	
	Montreal	20,603,000	
	Vancouver	7,885,000	
		36,688,000	
	Less—Amount to be expended from Replacement and Other Funds	8,100,000	
		28,588,000	
	St. Lawrence Seaway Authority		
L95	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve	32,500,000	
			324,165,400
			*3,779,237,086

* Net total \$1,133,906,436.98

SCHEDULE B

Based on the Supplementary Estimates (A), 1966-67. The amount hereby granted is \$80,371,604.98, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	ADMINISTRATION		
1a	Departmental Administration.....	35,800	
	PRODUCTION AND MARKETING		
	Administration		
15a	Administration, Operation and Maintenance.....	22,500	
17a	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the subvote titles listed in the Details of Estimates.....	1,813,500	
	Animal and Animal Products		
20a	Administration, Operation and Maintenance.....	130,000	
25a	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	300,000	
	Plant and Plant Products		
30a	Administration, Operation and Maintenance.....	439,500	
35a	Grants, Contributions and Subsidies as detailed in the Estimates	5,413,100	
	HEALTH OF ANIMALS		
45a	Grants, Contributions and Subsidies as detailed in the Estimates	16,000	
	LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS		
60a	Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project, the <i>Prairie Farm Rehabilitation Act</i> Program, Land Protection, Reclamation and Development—Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,200,000	
			11,370,400
	CITIZENSHIP AND IMMIGRATION		
	GENERAL ADMINISTRATION		
1a	General Administration including the promotion of a program for the employment of the older worker—To extend the purposes of Citizenship and Immigration Vote 1 of the Main Estimates for 1966-67 to include \$50,000 for grants for Manpower Research and to provide a further amount of.....	815,300	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION (Concluded)		
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
15a	Payments to the provinces to carry out the purposes of the <i>Technical and Vocational Training Assistance Act</i> and agreements made thereunder—To extend the purposes of Citizenship and Immigration Vote 15 of the Main Estimates for 1966-67 to provide for payments to the provinces to carry out the purposes of the <i>Training Allowance Act, 1966</i> and agreements made thereunder, to authorize the Minister in accordance with agreements approved by the Governor in Council between the Minister and any province, agency or person to make payments up to 100% of the cost of carrying on research in connection with the utilization of manpower resources in Canada, including the development of experimental training methods and techniques, the payment of training allowances and related activities, and to provide that the contributions payable by Canada to a province pursuant to any agreement that may be entered into under section 4 of the <i>Technical and Vocational Training Assistance Act</i> shall, notwithstanding paragraph (b) of subsection (2) of section 4 of that Act, include an amount equal to 25% of the capital expenditures incurred by the province on training facilities before such date, not later than March 31, 1970, as may be specified in the said agreement and to provide a further amount of.....	37,750,000	
	CITIZENSHIP		
35a	Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion.....	50,000	38,615,300
	CIVIL SERVICE COMMISSION		
1a	Salaries and Contingencies of the Commission.....		2,482,700
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
5a	Payments, subject to the approval of the Treasury Board, for certain programs carried out under the <i>Defence Production Act</i> , (a) to assist defence contractors with defence plant modernization, and in connection with the establishment of production capacity and qualified sources for production of component parts and materials; and (b) for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, by Crown plants operated on a management-fee basis or by Crown companies under the direction of the Minister of Defence Production.....		3,400,000
	B—EMERGENCY MEASURES ORGANIZATION		
20a	Administration and Operation.....		400,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
1a	Administration, Operation and Maintenance—To extend the purposes of External Affairs Vote 1 of the Main Estimates for 1966-67 to include expenses related to the Canada-West Indies Prime Ministerial Conference, cultural relations and academic exchange programs with other countries, the grants detailed in these Estimates and to provide a further amount of.....	351,700	
15a	Assessments, contributions and other payments to International (including Commonwealth) Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates, including authority to make payments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of May, 1966, which is.....	6,245,000	
	EXTERNAL AID OFFICE		
35a	Economic, technical, educational and other assistance as detailed in the Estimates.....	45,000,000	
36a	To forgive payment by India to Canada of the total principal and interest accruing thereon under agreements related to purchase of Canadian wheat and flour between Canada and India dated February 20, 1953, October 22, 1958 and March 29, 1966, the principal amount being.....	9,428,572	
			61,025,272
	FINANCE		
	ADMINISTRATION		
1a	Departmental Administration including administration of the Guaranteed Loans Acts and payments to provinces as detailed in the Estimates.....	99,000	
3a	Grant to the Endowment Fund of the Vanier Institute of the Family—L'institut Vanier de la famille.....	2,000,000	
4a	Contributions to the Government of Manitoba for assistance in meeting costs relating to the flooding of the Red River in 1966 in accordance with cost-sharing arrangements to be determined by Canada in consultation with Manitoba.....	10,000,000	
	GOVERNMENT ADMINISTRATION		
15a	Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the <i>Public Servants Inventions Act</i> , subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations.....	45,000,000	
18a	To deem the expression "regulations made under the authority of paragraph (ad) of subsection (1) of section 30 of the <i>Public Service Superannuation Act</i> " in Vote 686 of the <i>Appropriation Act No. 2, 1961</i> to include regulations made under the <i>Financial Administration Act</i>		1

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE (Concluded)		
	GOVERNMENT ADMINISTRATION (Concluded)		
20a	Government's share of surgical-medical insurance premiums— To extend the purposes of Finance Vote 20 of the Main Estimates for 1966-67 to authorize in the current and subsequent fiscal years, on such terms and conditions as the Governor in Council may prescribe, advances to or in respect of employees who belong to a class of persons described in Vote 124 of <i>Appropriation Act No. 6, 1960</i> , as amended, and who are absent from their duties on sick leave without pay for the purpose of enabling such persons to pay surgical-medical insurance premiums when due, and to provide a further amount of.....	3,500,000	
22a	To authorize the Minister of Finance to establish a special account in the Consolidated Revenue Fund to be known as the "Foreign Claims Fund" to which shall be credited, (a) notwithstanding Vote 696 of <i>Appropriation Act No. 4, 1952</i> , such part of the money received by him from the Custodian of Enemy Property under paragraph (a) of that Vote, the proceeds of sale of property under paragraph (b) of that Vote and the earnings of property specified in paragraph (b) thereof, as the Governor in Council directs, and (b) all amounts received from governments of other countries pursuant to agreements entered into after April 1, 1966 relating to the settlement of Canadian claims, and, notwithstanding section 35 of the <i>Financial Administration Act</i> , to provide for payments out of the Foreign Claims Fund in the current and subsequent fiscal years in accordance with regulations of the Governor in Council which regulations may, <i>inter alia</i> , provide for the determination of the nature of claims for compensation that may be made, the persons to whom compensation may be paid, and the manner and time for the submission of claims, the calculation (including any weighted or pro rata distribution) of the amount of the payments by the Minister of Finance and the Secretary of State for External Affairs, and to authorize payment of the expenses incurred in investigating and reporting on such claims.....	1,000	
23a	To authorize, notwithstanding the <i>Currency, Mint and Exchange Fund Act</i> , the transfer from the Exchange Fund Account to the Consolidated Revenue Fund of the profit for the calendar year 1964 and each subsequent calendar year from trading operations in foreign exchange, gold and securities, and from the net valuation adjustments on unmatched purchases or sales during each such year.....	1	
	ROYAL CANADIAN MINT		
35a	Administration, Operation and Maintenance.....	434,000	
40a	Construction or Acquisition of Equipment.....	115,000	
			61,149,002
	FISHERIES		
1a	Departmental Administration—To extend the purposes of Fisheries Vote 1 of the Main Estimates for 1966-67 to include Canada's fee for membership in the International Council for the Exploration of the Sea and to provide a further amount of.....	18,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES (Concluded)		
	FISHERIES MANAGEMENT AND DEVELOPMENT		
5a	Operation and Maintenance including Canada's share of the expenses of the International Commissions detailed in the Estimates.....	290,000	
10a	Construction or Acquisition of Buildings, Works, Land and Equipment.....	824,000	
15a	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	435,227	
	FISHERIES RESEARCH BOARD OF CANADA		
20a	Administration, Operation and Maintenance.....	135,000	1,702,227
	FORESTRY		
23a	Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates.....	750,000	
	RURAL DEVELOPMENT		
30a	Agricultural Rehabilitation and Development Act Program and Maritime Marshland Rehabilitation Act Program—Construction or Acquisition of Buildings, Works, Land and Equipment.....	200,000	950,000
	JUSTICE		
1a	Administration including grants as detailed in the Estimates.....		31,000
	LABOUR		
1a	General Administration.....		272,400
	LEGISLATION		
	HOUSE OF COMMONS		
20a	General Administration.....		117,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
1a	Departmental Administration.....	29,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS (Concluded)		
	A—DEPARTMENT (Concluded)		
	GEOLOGICAL RESEARCH		
40a	Construction or Acquisition of Buildings, Works, Land and Equipment.....	246,000	
	RESEARCH IN ASTRONOMY AND GEOPHYSICS		
65a	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,255,700	
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
70a	Administration, Operation and Maintenance—To extend the purposes of Mines and Technical Surveys Vote 70 of the Main Estimates for 1966-67 to include the expenses of the Saskatchewan-Nelson Basin Board and the Atlantic Tidal Power Programming Board as specified in the sub-vote titles in these Estimates and to provide a further amount of.....	600,000	
75a	Construction or Acquisition of Buildings, Works, Land and Equipment.....	256,000	2,386,700
	NATIONAL HEALTH AND WELFARE		
	HEALTH SERVICES		
17a	To establish a special account in the Consolidated Revenue Fund to be known as the "Hospital Insurance Supplementary Fund" to which shall be credited such amounts as may be contributed during the current and subsequent fiscal years by Canada and the provinces, the contribution by Canada for any fiscal year not to exceed the total contribution by all the provinces for such year, and to authorize, notwithstanding section 35 of the <i>Financial Administration Act</i> , payments out of the Fund in the current and subsequent fiscal years in respect of the cost of insured services, within the meaning of the <i>Hospital Insurance and Diagnostic Services Act</i> , incurred by a person who, through no fault of his own, ceased to be eligible for and entitled to insured services under that Act; amount required for the fiscal year 1966-67.....	20,000	
	WELFARE SERVICES		
40a	Administration, Operation and Maintenance, including recoverable expenditures on behalf of the <i>Canada Pension Plan</i> , and grants as detailed in the Estimates.....	15,000	
41a	Family Assistance, under such terms and conditions as may be approved by the Treasury Board, in respect of children of immigrants and settlers.....	753,000	788,000
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
10a	Scholarships and Grants in Aid of Research.....		5,500,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE		
1a	General Administration, Operation and Maintenance.....		1,122,000
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	RESOURCE DEVELOPMENT		
3a	Administration, Operation and Maintenance.....	355,000	
7a	Northern Mineral Assistance Grants—To authorize in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council, northern mineral development assistance grants to individuals and corporations, in order to assist in the mineral and economic development of the Canadian north, and to authorize total commitments in respect of development assistance grants in the current and subsequent fiscal years not exceeding \$9,000,000; estimated amount required in the current fiscal year.....	3,000,000	
	INDIAN AFFAIRS		
30a	Administration, Operation and Maintenance including grants as specified in the sub-vote titles in the Estimates—To extend the purposes of Northern Affairs and National Resources Vote 30 of the Main Estimates for 1966-67 to authorize special payments in respect of social assistance to persons other than Indians residing on Indian Reserves and to authorize special payments in respect of the education in Indian schools of children other than Indian children and to provide a further amount of.....	702,000	
	NORTHERN ADMINISTRATION		
45a	Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates.....	115,000	4,172,000
	POST OFFICE		
1a	Postal Services.....		1,950,000
	PRIVY COUNCIL		
	A—PRIVY COUNCIL		
10a	General Administration—To extend the purposes of Privy Council Vote 10 of the Main Estimates for 1966-67 to include the grant detailed in these Estimates and to provide a further amount of.....	300,000	
15a	Expenses of the Royal Commissions listed in the Details of Estimates.....	472,800	
17a	Expenses of the Science Council of Canada.....	137,500	910,300
	PUBLIC ARCHIVES AND NATIONAL LIBRARY		
	A—PUBLIC ARCHIVES		
1a	General Administration and Technical Services.....		25,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS		
	A—DEPARTMENT		
1a	General Administration, including grants as detailed in the Estimates.....	13,200	
	ACCOMMODATION SERVICES		
5a	Maintenance and Operation of public buildings and grounds, acquisition of furniture and furnishings for government departments.....	4,500,000	
10a	Acquisition of equipment and furnishings other than office furnishings.....	365,000	
15a	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates.....	1	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
30a	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates.....	1,830,000	
	ROADS, BRIDGES AND OTHER ENGINEERING SERVICES		
40a	Construction, acquisition, major repairs and improvements of, and plans and sites for, roads, bridges and other engineering works—To extend the purposes of Public Works Vote 40 of the Main Estimates for 1966-67 to provide for the construction of a Causeway and associated structures across Northumberland Strait and to include the project detailed in these Estimates.....	1	
57a	Trans-Canada Highway—To provide, notwithstanding any other Act, for the payment until May 31, 1971 by Canada to any Province with which Canada has entered into an agreement under the <i>Trans-Canada Highway Act</i> or <i>Appropriation Act No. 5, 1963</i> , of contributions in respect of the cost incurred by such Province prior to December 31, 1970, in construction of the Trans-Canada Highway; to provide notwithstanding any other Act, for the payment until May 31, 1971, to the Provinces of Newfoundland, Nova Scotia, Prince Edward Island and New Brunswick of contributions equal to ninety per cent of the cost incurred between April 1, 1963 and December 31, 1970 by each of those Provinces in construction of the Trans-Canada Highway; to provide, notwithstanding any other Act, that the aggregate of all expenditures under sections 4, 5 and 6 of the <i>Trans-Canada Highway Act</i> shall not exceed eight hundred and twenty-five million dollars, and to authorize the Minister of Public Works, with the approval of the Governor in Council, to enter into agreements with the Provinces to give effect to the foregoing provisions; additional amount required in the current fiscal year.....	18,000,000	
			24,708,202

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	SECRETARY OF STATE		
	A—DEPARTMENT		
1a	Departmental Administration—To extend the purposes of Secretary of State Vote 1 of the Main Estimates for 1966-67 to include the expenses of the Committee on Election Expenses, the grant detailed in these Estimates, and to provide a further amount of.....	256,750	
5a	Corporations Branch.....	6,000	
	UNIVERSITY GRANTS		
27a	Payments to the Association of Universities and Colleges of Canada—To increase the payment of grants provided for in section 8A of the <i>Federal-Provincial Fiscal Arrangements Act</i> in respect of the academic year commencing in September, 1966, by making payments not exceeding \$60,000,000 in the fiscal years 1966-67 and 1967-78 (a) to the Association of Universities and Colleges of Canada in an aggregate amount calculated by multiplying the population of each province, other than a province described in paragraph (b), for the calendar year ending in the fiscal year 1966-67 by \$3, such aggregate amount and any amount paid to the Association pursuant to section 8A of the said Act, notwithstanding subsection (2) thereof, to be distributed amongst the institutions of higher learning in such province in accordance with an agreement to be entered into, with the approval of the Governor in Council, between the Secretary of State on behalf of Canada, and the Association of Universities and Colleges of Canada, and (b) to a province that is a prescribed province for the purposes of section 8A of the said Act for the fiscal year 1966-67 in an aggregate amount calculated by multiplying the population of that province for the calendar year ending in that fiscal year by \$3, and to provide that the Province of Quebec shall be deemed for purposes of section 8A of the <i>Federal-Provincial Fiscal Arrangements Act</i> to be a prescribed province for the fiscal year 1966-67; amount required for the fiscal year 1966-67.....	38,400,000	38,662,750
	B—CENTENNIAL COMMISSION		
35a	General Administration.....	1,865,500	
40a	Programs and Projects of National Significance, including grants towards such programs and projects.....	4,279,600	6,145,100
	SOLICITOR GENERAL		
	A—OFFICE OF THE SOLICITOR GENERAL		
1a	Expenses of the Office of the Solicitor General and grants as detailed in the Estimates.....		65,000
	C—ROYAL CANADIAN MOUNTED POLICE		
15a	National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Administration, Operation and Maintenance.....	1,264,500	
20a	National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under Contract—Construction or Acquisition of Buildings, Works, Land and Equipment.....	761,300	2,025,800

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
1a	Departmental Administration.....	107,500	
5a	Trade Commissioner Service—Administration, Operation and Maintenance.....	156,000	263,500
	TRANSPORT		
	A—DEPARTMENT		
2a	Acquisition of railway cars and other equipment.....	610,000	
	MARINE SERVICES		
5a	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	1	
10a	Construction or Acquisition of Buildings, Works, Land, Vessels and Equipment including payments to Provincial or Municipal Authorities as contributions towards construction done by those bodies including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to increase to \$8,175,300 the commitments for the current fiscal year for Aids to Navigation and to provide a further amount of....	4,855,300	
	RAILWAYS AND STEAMSHIPS		
20a	Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects.....	1	
25a	Payments in respect of the <i>Maritime Freight Rates Act</i> and to Provinces as contributions, as detailed in the Estimates, to assist highway construction related to the abandonment of railway branch lines—To increase to \$95,000 the grants in aid of transportation research in universities and to provide a further amount of.....	425,000	
	AIR SERVICES		
35a	Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to increase to \$35,709,900 the commitments for the current fiscal year for Airports and other Ground Services and to provide a further amount of.....	4,450,000	
40a	Contributions to assist in the establishment or improvement of local airports and related facilities.....	353,000	10,693,302
	B—AIR TRANSPORT BOARD		
77a	Balance of payment to Nordair Limited for operation of international charter flights undertaken but not completed by World Wide Airways Incorporated.....	13,467	
78a	Subventions for Air Carriers as detailed in the Estimates.....	313,300	326,767

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Concluded)		
	C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
83a	Payments to the railway companies subject to paragraph No. 2 of Order No. 103860 dated February 23, 1961, of the Board of Transport Commissioners for Canada, which paragraph authorized the railways to increase freight rates on export bulk grain moving from certain ports located on Georgian Bay, the Great Lakes and the St. Lawrence River to Montreal and ports east thereof on the St. Lawrence River and on the Canadian Atlantic Coast and which paragraph has been suspended by Orders in Council, requiring the railways to continue in effect the rates which prevailed and were published on November 30, 1960, such payments to be the difference between those rates which were in effect on November 30, 1960 and compensatory rates as approved by the Board of Transport Commissioners for Canada.....	3,000,000	
84a	To provide for balance of payments to companies subject to Order Number 96300, dated November 17, 1958, of the Board of Transport Commissioners for Canada in respect of the period April 1, 1965 to March 31, 1966, payable to said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order.....	600,000	3,600,000
	D—CANADIAN MARITIME COMMISSION		
90a	Steamship Subventions for Coastal Services as detailed in the Estimates.....	1	
95a	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council..... (to be administered by the Department of Industry)	8,000,000	8,000,001
	E—NATIONAL HARBOURS BOARD		
102a	To authorize, in accordance with terms and conditions approved by the Governor in Council, special assistance to firms displaced as a result of construction of the Saskatchewan Wheat Pool elevator in Vancouver Harbour, B.C.....	188,468	
103a	To authorize expenditures by the National Harbours Board, either by itself or on behalf of or in co-operation with others, for certain purposes relating to the Canadian Universal and International Exhibition, Montreal, 1967, and to provide, notwithstanding Sections 28 and 29 of the <i>National Harbours Act</i> , for an absolute grant to the Board for such purposes to be credited to the National Harbours Board Special Account	881,000	
104a	Payment to the National Harbours Board to be applied in payment of the balance of the deficit incurred in respect of the calendar year 1965 and the deficit expected to be incurred in the calendar year 1966 (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) in the operation of the Jacques Cartier Bridge, Montreal Harbour.....	737,600	1,807,068
	G—ATLANTIC DEVELOPMENT BOARD		
110a	Administration and Operation.....		800,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	ATOMIC ENERGY OF CANADA LIMITED		
L7a	Advances to Atomic Energy of Canada Limited, subject to such terms and conditions as the Governor in Council may approve, to finance the construction of transmission lines in connection with the Nelson River Power Project, to be undertaken in accordance with an agreement between Canada and Manitoba to be approved by the Governor in Council; to authorize Atomic Energy of Canada Limited to construct, control, lease and dispose of the said transmission lines.....	2,000,000	
	EXTERNAL AFFAIRS		
L21a	To increase to \$2,000,000 the amount that may be charged at any time to the special account mentioned in Vote L13a of the <i>Appropriation Act No. 6, 1964</i> that was established for the purpose of financing posts abroad, advances to personnel on posting and for medical expenses; additional amount required.....	500,000	
L22a	Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India.....	217,000	
	FINANCE		
L31a	Special accountable advances to or in respect of persons employed in the public service whose remuneration is payable out of the Consolidated Revenue Fund who are required to make contributions under (a) the <i>Public Service Superannuation Act</i> or the <i>Diplomatic Service (Special) Superannuation Act</i> , and (b) the <i>Canada Pension Plan</i> or the <i>Quebec Pension Plan</i> in the amounts by which the combined contributions required from such persons in respect of remuneration to which an Act referred to in paragraph (a) and an Act referred to in paragraph (b) both apply exceed 6½ per cent of such remuneration in the case of males and 5 per cent of such remuneration in the case of females.....	4,000,000	
	FISHERIES		
L34a	To extend the purposes of the revolving fund established pursuant to Vote 542 of the <i>Appropriation Act No. 8, 1953</i> , to include the financing of transportation, dressing and dyeing and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to the Interim Convention on Conservation of North Pacific Fur Seals entered into by Canada, the United States of America, Japan and the Union of Soviet Socialist Republics, dated at Washington, February 9, 1957; additional amount required.....	200,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Continued)		
	INDUSTRY		
L35a	To extend the purposes of Vote L35 of the Main Estimates for 1966-67 to provide for assistance to Canadian materials suppliers and tooling manufacturers for the automotive industry by deeming such suppliers and manufacturers to be manufacturers of automotive products for the purpose of the Vote and to increase to \$40,000,000 the authority to make commitments for the purposes of the Vote in the current and subsequent fiscal years; additional amount required.....	6,400,000	
	MINES AND TECHNICAL SURVEYS		
L40a	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	11,600,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	Indian Affairs		
L51a	To authorize, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council, loans to provide financial assistance to Indians for the construction of houses in areas other than Indian reserves; to authorize advances to cover construction costs of the houses; to authorize the Minister, in accordance with regulations approved by the Governor in Council, to forgive the repayment of a loan or any part thereof made to an Indian under this authority and to authorize a special account in the Consolidated Revenue Fund to be known as the Indian Housing Assistance Account (a) to which all loans and advances made under this authority shall be charged; and (b) to which shall be credited (i) all repayments of principal amounts of loans, (ii) all repayments of advances, and (iii) all amounts the payment of which is forgiven by the Minister under this authority, the total amount that may be charged to the account at any time, after deducting therefrom all outstanding advances, shall not exceed \$1,000,000.....	1,000,000	
	Northern Administration		
L52a	Loans to the Government of the Northwest Territories for capital expenditures in accordance with terms and conditions prescribed by the Governor in Council which loans shall, for purposes of Northern Affairs and National Resources Vote 118 of <i>Special Appropriation Act 1963</i> , be deemed to be loans for capital expenditures in the Territories as provided for in the agreement entered into between the parties pursuant to that Vote.....	2,700,000	
L53a	Loans to the Government of the Northwest Territories, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council, to assist in the design and construction of a water and sewer system at Hay River, Northwest Territories.....	558,000	

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Concluded)		
	NORTHERN AFFAIRS AND NATIONAL RESOURCES (Concluded)		
	Northern Administration (Concluded)		
L54a	Loans to the Government of the Northwest Territories, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Governor in Council for the development of a townsite at Pine Point, Northwest Territories.....	500,000	
	TRANSPORT		
L81a	Loans to Canadian National Railways in such manner and subject to such terms and conditions as the Governor in Council may approve for maintenance, repair and acquisition of passenger equipment.....	3,100,000	
	National Harbours Board		
L90a	Advances to National Harbours Board, subject to the provisions of Section 29 of the <i>National Harbours Board Act</i> , to meet expenditures applicable to the calendar year 1966 on the following account: Reconstruction and Capital Expenditures— Montreal..... 7,200,000		
	Less: Amount to be expended from Replacement and Other Funds (\$1,200,000) and provision in the Main Estimates for 1966-67 for Belledune (\$1,800,000) and Vancouver (\$1,500,000)..... 4,500,000	2,700,000	
	St. Lawrence Seaway Authority		
L95a	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve.....	1,500,000	
			36,975,000
			*332,441,791

* Net total \$80,371,604.98.

SCHEDULE C

Based on the Supplementary Estimates (B), 1966-67. The amount hereby granted is \$21,509,000.00, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 7, 1966*, and the *Appropriation Act No. 8, 1966*.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	EXTERNAL AFFAIRS		
L23b	To authorize in the current and subsequent fiscal years the purchase of 2,500 shares of stock of the Asian Development Bank, being Canada's subscription as a member thereof, for the amount of \$25,000,000 U.S., including authority in the current and subsequent fiscal years for the issue to the Bank, on behalf of the Government of Canada, as payment for the shares so purchased, pending cash requirements by the Bank, non-interest bearing non-negotiable demand notes in such form as may be determined by the Minister of Finance, notwithstanding that the payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of June, 1966, which is.....	27,027,000	
	FINANCE		
L32b	To provide in the current and subsequent fiscal years for the purchase, acquisition, holding and disposition by the Minister of Finance of securities issued by the International Bank for Reconstruction and Development, the total cost of such securities that may be held by the Minister at any one time not to exceed.....	150,000,000	
			*177,027,000

*Net total \$21,509,000.00.

SCHEDULE D

Based on the Supplementary Estimates (C), 1966-67. The amount hereby granted is \$307,195,632.00 being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING		
	Plant and Plant Products		
35c	Grants, Contributions and Subsidies as detailed in the Estimates.....	1	
	HEALTH OF ANIMALS		
40c	Administration, Operation and Maintenance.....	365,000	365,001
	BOARD OF BROADCAST GOVERNORS		
1c	Salaries and Other Expenses.....		200,000
	CANADIAN BROADCASTING CORPORATION		
1c	Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service.....		1,000,000
	CIVIL SERVICE COMMISSION		
1c	Salaries and Contingencies of the Commission.....		1,116,400
	ENERGY, MINES AND RESOURCES		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
15c	Subventions in respect to Eastern Coal under agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>		950,000
	B—DOMINION COAL BOARD		
105c	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—To extend the authority granted by Mines and Technical Surveys Vote 75B, <i>Appropriation Act No. 10, 1964</i> , as amended by Mines and Technical Surveys Vote 75D, <i>Appropriation Act No. 2, 1965</i> , to increase to \$33,146,225 the amount that may be spent pursuant thereto in the current fiscal year; additional amount required for 1966-67.....		10,819,725

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
15c	Assessments, contributions and other payments to International Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates.....		100,000
	FINANCE		
	ADMINISTRATION		
2c	Grant to the City of Ottawa toward the cost of the civic centre, the Government of Canada's share not to exceed \$1,000,000; amount required for the current fiscal year.....	600,000	
	GOVERNMENT ADMINISTRATION		
15c	Contingencies—To supplement other votes and to provide for miscellaneous minor and unforeseen expenses not otherwise provided for including awards under the <i>Public Servants Inventions Act</i> , subject to the approval of the Treasury Board, and authority to re-use any sums repaid to this appropriation from other appropriations.....	50,000,000	
	(to be administered by the Treasury Board)		
20c	Government's share of surgical-medical insurance premiums—To extend the purposes of Finance Vote 20 of the Main Estimates for 1966-67 to provide for the Government's share of surgical-medical insurance premiums, determined on such basis and paid in respect of such persons (and their dependents) as the Governor in Council prescribes, who are members of the forces or members of the civilian component, serving in Canada, of States that are parties to the North Atlantic Treaty Status of Forces agreement, 1949, and to provide a further amount of.....	150,000	50,750,000
	(to be administered by the Treasury Board)		
	FORESTRY AND RURAL DEVELOPMENT		
10c	Freight Assistance on Western Feed Grains including assistance in respect of grain storage costs in accordance with the terms and conditions prescribed by the Governor in Council.....	2,500,000	
	FORESTRY		
16c	To ratify and confirm the payment of grants in aid of forestry research in the amount of \$3,490 during the 1965-66 fiscal year.....	1	2,500,001
	INDIAN AFFAIRS AND NORTHERN DEVELOPMENT		
	NATURAL AND HISTORIC RESOURCES		
20c	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,746,000	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	INDIAN AFFAIRS AND NORTHERN DEVELOPMENT (Concluded)		
	INDIAN AFFAIRS		
35c	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,000,000	3,746,000
	INDUSTRY		
15c	To authorize, notwithstanding section 30 of the <i>Financial Ad- ministration Act</i> , an increase to \$125,000,000 in the total amount of commitments in the current and subsequent fiscal years for development grants under the <i>Area Develop- ment Incentives Act</i>		1
	LABOUR		
1c	General Administration—To extend the purposes of Labour Vote 1 of the Main Estimates, 1966-67 to authorize payment during the current and subsequent fiscal years of all the actual and reasonable travelling and living expenses incurred by each member of a conciliation board in connection with the work of the board notwithstanding section 64(2) of the <i>Industrial Relations and Disputes Investigation Act</i> and to provide a further amount of.....		135,000
	LEGISLATION		
	HOUSE OF COMMONS		
15c	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates to and from other legislatures including the expenses of the Commonwealth Parliamentary Conference to be held in Ottawa in 1966, Canada's share of the expenses of the Com- monwealth Parliamentary Association including the assess- ment for membership in the Association, and grants as detailed in the Estimates.....	112,500	
20c	General Administration.....	990,000	1,102,500
	MANPOWER AND IMMIGRATION		
	GENERAL ADMINISTRATION		
6c	Payments in accordance with terms and conditions approved by the Governor in Council to Provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1966-67 and 1967-68 fiscal years of amounts not exceeding fifty per cent of the cost of labour incurred in the period from November 1, 1966 to such day or days in the fiscal year 1967-68 as may be determined by the Governor in Council, and in the case of projects in designated areas within the meaning of the <i>Department of Industry Act</i> and in areas determined by the Minister of Manpower and Immigration to be areas of high winter un- employment, sixty per cent of such cost; and to authorize payments in those fiscal years to Provinces in respect of previous Municipal Winter Works Incentive Programs.....	50,000,000	
	IMMIGRATION		
32c	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,830,000	51,830,000

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL DEFENCE		
	DEFENCE SERVICES		
15c	Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment and Development for the Canadian Forces—To extend the purposes of National Defence Vote 15 of the Main Estimates, 1966-67 to authorize, notwithstanding the <i>Financial Administration Act</i> , the spending of revenue received during the year, subject to the direction of Treasury Board, in respect of charges made pursuant to regulations under the <i>National Defence Act</i> for the provision of (a) accommodation and food to members of the Canadian Forces, (b) food to messes and institutes of the Canadian Forces, and (c) medical and dental care to dependents of members of the Canadian Forces.....		1
	NATIONAL HEALTH AND WELFARE		
	WELFARE SERVICES		
40c	Administration, Operation and Maintenance.....		1,348,000
	NATIONAL REVENUE		
	TAXATION		
5c	General Administration and District Offices including recoverable expenditures on behalf of the <i>Canada Pension Plan</i>		372,000
	PRIVY COUNCIL		
	A—PRIVY COUNCIL		
15c	Expenses of the Royal Commissions listed in the Details of Estimates.....	908,000	
18c	Expenses related to the planning of the 1967 Visits of State.....	265,000	
			1,173,000
	PUBLIC WORKS		
	B—NATIONAL CAPITAL COMMISSION		
65c	Payment to the National Capital Fund.....		6,600,000
	SECRETARY OF STATE		
	A—DEPARTMENT		
3c	Special grant to the Fathers of Confederation Memorial Trust, Charlottetown, P.E.I.....		100,000
	B—CENTENNIAL COMMISSION		
35c	General Administration, including the National Conference on the Centennial of Confederation.....	342,000	
40c	Programs and Projects of National Significance, including grants towards such programs and projects.....	996,300	
			1,338,300

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
1c	Departmental Administration—To extend the purposes of Trade and Commerce Vote 1 of the Main Estimates for 1966-67 to include the grants detailed in these Estimates...	75,000	
10c	Canadian Government Exhibition Commission.....	159,500	
	SPECIAL		
32c	Grant to the Pacific National Exhibition, Vancouver toward the cost of constructing a trade fair and sports building at Exhibition Park, Vancouver, the Government of Canada's share not to exceed \$2,000,000; amount required for 1966-67.	1,200,000	1,434,500
	TRANSPORT		
	A—DEPARTMENT		
1c	Departmental Administration.....	330,000	
	MARINE SERVICES		
5c	Administration, Operation and Maintenance including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to increase to \$25,656,200 the commitments for the current fiscal year for the Canadian Coast Guard Service...	2,233,000	
8c	Subject to such terms and conditions as the Governor in Council may prescribe, to authorize the transfer of the assets of the Sydney Pilots' Pension Fund to the Superannuation Account under the <i>Public Service Superannuation Act</i> , to deem that all licensed pilots of the Sydney Pilotage District who became employed in the Public Service on the first day of October, 1966 are required by subsection (1) of section 4 of the <i>Public Service Superannuation Act</i> to contribute to the Superannuation Account as of that date, to authorize the counting as pensionable service for the purposes of the <i>Public Service Superannuation Act</i> the service of such licensed pilots with the Sydney Pilotage District and to authorize the payment out of the Superannuation Account of any pensions which, prior to the transfer of assets were paid out of the Sydney Pilots' Pension Fund.....	1	
	RAILWAYS AND STEAMSHIPS		
20c	Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects.....	2,716,200	
25c	Payments in respect of the <i>Maritime Freight Rates Act</i> —To extend the purposes of Transport Vote 25 of the Main Estimates, 1966-67 to include the grant detailed in these Estimates.....	1	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Concluded)		
	A—DEPARTMENT (Concluded)		
	AIR SERVICES		
40c	Contributions to assist in the establishment or improvement of local airports and related facilities and grants as detailed in the Estimates for the development of Civil Aviation. . .	1	5,279,203
	C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
84c	To provide payments to companies subject to Order Number 96300, dated November 17, 1958, of the Board of Transport Commissioners for Canada of an aggregate amount not exceeding \$20,000,000 in respect of the period April 1, 1966 to March 31, 1967, to be paid in instalments at such times as may be determined by the said Board for the purpose of reimbursing the said companies for such diminution in their aggregate gross revenues during the said period as in the opinion of the said Board is attributable to such companies maintaining the rate level for freight traffic at an 8% increase instead of 17% as authorized by the said Order; to provide payments to the said companies of an aggregate amount in respect of the calendar year 1966 of \$50,000,000 to be paid in instalments at such times and in accordance with such methods of allocation as may be determined by the said Board for the maintenance by such companies of the rates of freight traffic at the said reduced level; and to provide for additional payments to the said companies for the years 1964, 1965 and 1966 in an aggregate amount of \$48,750,000 to be paid in instalments at such times and in accordance with such methods of allocation as may be determined by the said Board for the maintenance by such companies of the rates of freight traffic at said reduced level during such period.		118,750,000
	D—CANADIAN MARITIME COMMISSION		
95c	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council. (to be administered by the Department of Industry)		6,000,000
	G—ATLANTIC DEVELOPMENT BOARD		
110c	Administration and operation.		650,000
	VETERANS AFFAIRS		
	WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS		
10c	War Veterans Allowances—To provide effective the 1st day of September, 1966, that the <i>War Veterans Allowance Act</i> , 1952, be amended by repealing Schedule A to the said Act and substituting therefor the Schedule A set out in the details of the Estimates, and the rates mentioned in section 5 of the said Act are amended on the same basis.	7,500,000	

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	VETERANS AFFAIRS (Concluded)		
	PENSIONS		
25c	Pensions for Disability and Death—To provide effective the 1st day of September, 1966, that the <i>Pension Act</i> be amended by repealing Schedules A and B to the said Act and substituting therefor the Schedules A and B set out in the details of the Estimates.....	14,600,000	22,100,000
	LOANS, INVESTMENTS AND ADVANCES		
	CANADIAN BROADCASTING CORPORATION		
L12c	Advances to the Canadian Broadcasting Corporation, in such amounts and in accordance with such terms and conditions as the Governor in Council may approve, for the purpose of increasing working capital.....	6,000,000	
	ENERGY, MINES AND RESOURCES		
L40c	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	7,626,000	
	INDIAN AFFAIRS AND NORTHERN DEVELOPMENT		
L49c	To authorize the establishment of a special account in the Consolidated Revenue Fund from which may be advanced in the current and subsequent fiscal years, in accordance with regulations approved by the Governor in Council, to the Central Mortgage and Housing Corporation, amounts to cover the losses sustained by the said Corporation as a result of loans made to Indians pursuant to section 40A of the <i>National Housing Act, 1954</i>	10,000	
	Northern Canada Power Commission		
L50c	Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with section 15 of the <i>Northern Canada Power Commission Act</i>	300,000	
	TRANSPORT		
L82c	To increase to \$13,500,000 the amount that may be charged at any time to Department of Transport Working Capital Advance (formerly the Revolving Fund mentioned in subsection (2) of section 101 of the <i>Financial Administration Act</i> , Chap. 12, Statutes of 1951, as amended); additional amount required.....	3,500,000	17,436,000
			307,195,632

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 56

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 14th December, 1966.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 10, 1966.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole twenty-two million five hundred thousand dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966, to the 31st day of March, 1967, not otherwise provided for, and being the amount of the item set forth in the Schedule to this Act. \$22,500,000
granted for
1966-67.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and condi- Purpose and
effect of
each item.

tions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account
to be
rendered.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE.

Based on the Supplementary Estimates (D), 1966-67. The amount hereby granted is \$22,500,000, being the amount of the item in the Estimates as contained in this Schedule.

SUM granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purpose for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	EXTERNAL AID OFFICE		
35d	Economic, technical, educational and other assistance as detailed in the Estimates.....	.....	22,500,000

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 57

An Act respecting the Boundary between the
Provinces of Manitoba and Saskatchewan.

[Assented to 14th December, 1966.]

WHEREAS the *Saskatchewan Act* and *The Manitoba Boundaries Extension Act, 1912*, declare the northerly portion of the boundary between the Provinces of Manitoba and Saskatchewan to be the Second Meridian in the system of Dominion Land surveys; Preamble.

AND WHEREAS the portion of the said boundary north of Township 84 in the system of Dominion Land surveys was surveyed and marked on the ground between 1961 and 1962 under the direction of the Commissioners appointed therefor, which boundary, as surveyed and marked on the ground, is shown upon fifteen map-sheets signed by the said Commissioners and entitled "Boundary between Manitoba and Saskatchewan" which map-sheets are on record as No. 52787 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources, Ottawa;

AND WHEREAS, the Legislatures of the Provinces of Manitoba and Saskatchewan having consented thereto, it is desirable that the boundary line so surveyed and marked on the ground be declared the boundary line between the said Provinces of Manitoba and Saskatchewan;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Manitoba-Saskatchewan Boundary Act, 1966*. Short title.

Boundary
declared.

2. The boundary line surveyed and marked on the ground under the direction of the Commissioners appointed therefor to delimit the boundary between the Provinces of Manitoba and Saskatchewan and shown on fifteen map-sheets numbered 30A, 31 to 44 entitled "Boundary between Manitoba and Saskatchewan", signed by the Commissioners and on record as No. 52787 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources at Ottawa, is hereby declared to be the boundary between the Provinces of Manitoba and Saskatchewan, and in so far as the boundary so described increases, diminishes or otherwise alters the limits of the Province of Manitoba or the Province of Saskatchewan, their limits are increased, diminished or otherwise altered accordingly.

Coming
into force.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 58

An Act respecting the Boundary between the Province of Saskatchewan and the Northwest Territories.

[Assented to 14th December, 1966.]

WHEREAS the *Saskatchewan Act* declares the northern boundary of the Province of Saskatchewan to be the parallel of the sixtieth degree of north latitude, and the *Northwest Territories Act* declares the said parallel to be the southern boundary of the Northwest Territories; Preamble.

AND WHEREAS the said boundary was surveyed and marked on the ground between 1953 and 1962 under the direction of the Commissioners appointed therefor, which boundary, as surveyed and marked on the ground, is shown upon sixteen map-sheets signed by the said Commissioners and entitled "Boundary between Saskatchewan and Northwest Territories", which map-sheets are on record as No. 51748 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources, Ottawa;

AND WHEREAS, the Legislature of the Province of Saskatchewan having consented thereto, it is desirable that the boundary line so surveyed and marked on the ground be declared the boundary line between the said Province of Saskatchewan and the Northwest Territories;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Saskatchewan-Northwest Territories Boundary Act, 1966.* Short title.

Boundary
declared.

2. The boundary line surveyed and marked on the ground under the direction of the Commissioners appointed therefor to delimit the boundary between the Province of Saskatchewan and the Northwest Territories and shown on sixteen map-sheets numbered 1 to 16 entitled "Boundary between Saskatchewan and Northwest Territories", signed by the Commissioners and on record as No. 51748 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources at Ottawa, is hereby declared to be the boundary between the Province of Saskatchewan and the Northwest Territories, and in so far as the boundary so described increases, diminishes or otherwise alters the limits of the Province of Saskatchewan or the Northwest Territories, their limits are increased, diminished or otherwise altered accordingly.

Coming into
force.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1986

14-15 ELIZABETH II.

CHAP. 59

An Act to amend the Canada Labour (Standards) Code.

[Assented to 14th December, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1964-65,
c. 38.

1. The *Canada Labour (Standards) Code* is amended by adding thereto, immediately after Part IV thereof, the following Part:

"PART IVA

MULTI-EMPLOYER EMPLOYMENT.

34A. For the purposes of this Part,

(a) "employee" means an employee to whom this Act applies who is engaged in a multi-employer employment; and

(b) "multi-employer employment", as more particularly defined by the regulations, refers to employment in an occupation or trade in which, by the custom of that occupation or trade, any or all employees would in the usual course of a working month be ordinarily employed by more than one employer.

Definitions.
"Employee."

"Multi-employer employment."

34B. Where regulations are made under this Part in respect of annual vacations for any class of employees, an employee in that class is entitled to and shall be granted, notwithstanding anything in Part III, annual vacation with pay, or pay in lieu thereof, in accordance with the regulations.

Annual vacation.

Entitlement
to pay in
lieu of
holidays.

34c. Where regulations are made under this Part in respect of general holidays for any class of employees, an employee in that class, notwithstanding anything in Part IV,

- (a) is entitled to and shall be granted an amount in lieu of general holidays as prescribed by the regulations; and
- (b) in respect of any general holiday on which he is required to work, is entitled to and shall be paid for the time worked by him on that day, at a rate of wages not less than the rate prescribed by the regulations.

Regulations.

34d. (1) The Governor in Council may make regulations

- (a) defining more particularly the expression "multi-employer employment";
- (b) prescribing the annual vacations with pay, or pay in lieu thereof, that shall be granted to any class of employees;
- (c) prescribing the minimum rate of wages that an employee shall be paid for time worked by him on a general holiday and prescribing the amount that an employee shall be granted in lieu of general holidays and the manner of computing the same;
- (d) classifying employees for the purposes of this Part; and
- (e) respecting any matters for which regulations are deemed necessary to carry out the intent and purpose of Parts III and IV in respect of persons engaged in a multi-employer employment.

Equal
treatment.

(2) Regulations made under subsection (1) shall be designed to ensure that the amounts of money paid in accordance therewith to an employee in respect of general holidays or annual vacations, shall, so far as practicable, equal the amounts that the employee would have been entitled to receive in respect thereof had he been employed for a like period by one employer instead of being engaged in a multi-employer employment."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 60

An Act to amend the Canada Lands Surveys Act.

[Assented to 14th December, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 26;
1956, c. 22.

1. Paragraph (a) of subsection (3) of section 6 of the English version of the *Canada Lands Surveys Act* is repealed and the following substituted therefor:

“(a) the subjects in which candidates for admission as articulated pupils, for commissions or for certificates shall be examined;”

2. (1) Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

“**8.** (1) The Minister may, upon the recommendation of the Board, appoint qualified persons as special examiners to examine candidates, to prepare examination papers and to appraise the responses of candidates thereto.” Appointment.

(2) Subsection (3) of section 8 of the said Act is amended by striking out the word “or” at the end of paragraph (a) thereof, by adding the word “or” at the end of paragraph (b) thereof and by adding thereto the following paragraph:

“(c) persons who are, in the opinion of the Board, particularly conversant with the specific subjects of the various examinations.”

1956, c. 22,
s. 2.

3. Section 9 of the said Act is repealed and the following substituted therefor:

Fees to
special
examiners.

"9. Every special examiner, other than a member of the Board, may be paid for the work performed with respect to the preparation of examination papers and to the appraisal of responses of candidates thereto, and for each day on which he presides at an examination such fees as may be fixed by the Treasury Board and his actual living and travelling expenses incurred while away from his normal place of residence."

4. Paragraphs (a) to (c) of subsection (1) of section 14 of the said Act are repealed and the following substituted therefor:

- "(a)** at the time of making application for a preliminary examination, ten dollars;
- (b)** at the time of making application for examination for a certificate or for a commission, ten dollars;
- (c)** at the time of making application for a supplementary examination, five dollars;"

5. Section 15 of the said Act is repealed and the following substituted therefor:

Preliminary
examination.

"15. No person shall be admitted as an articulated pupil with a Dominion Land Surveyor until he has passed a preliminary examination in the prescribed subjects."

6. Section 18 of the said Act is repealed.

7. Subsection (2) of section 30 of the said Act is repealed and the following substituted therefor:

Means of
measurement.

"(2) In any survey under this Act, a Dominion Land Surveyor shall use

- (a)** a measuring tape that has had its true length in terms of the Canadian measure of length determined by National Research Council,
- (b)** a measuring tape that is of a type approved by the Surveyor General and that the Dominion Land Surveyor checks and verifies from time to time with a certified subsidiary measure, or
- (c)** other means of measurement of length or distance authorized by the Surveyor General under the circumstances that he may prescribe."

8. The said Act is further amended by adding thereto, immediately after section 42 thereof, the following section:

"42A. (1) The Minister may establish a Co-ordinated Survey Area within any lands dealt with in this Act or alter any such Area by a notice published in the *Canada Gazette*. Co-ordinated Survey Area.

(2) Notwithstanding sections 34 to 41, the positions of all new monuments placed and of all monuments that are relevant to the placement of new monuments within a Co-ordinated Survey Area shall be determined by surveyed connection to reference points prescribed for that purpose and shall be expressed in terms of the system of co-ordinates prescribed for the Area, in accordance with the instructions of the Surveyor General." Position of monuments.

9. Subsection (2) of section 43 of the said Act is repealed and the following substituted therefor:

"(2) The plans shall show the direction and length of boundaries and the nature and position of the boundary monuments of the quarter-sections or other parcels of land laid out." Content of plans.

10. Subsection (1) of section 47 of the said Act is repealed and the following substituted therefor:

"47. (1) Public lands may be resurveyed under this Part Resurveys.

- (a) for the purposes of correcting errors or supposed errors or re-establishing lost monuments; or
- (b) at the request of the member of Her Majesty's Privy Council for Canada charged with administering the public lands in respect of which the resurvey is to be made."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 61

An Act respecting the Boundary between the Province of Manitoba and the Northwest Territories.

[Assented to 21st December, 1966.]

WHEREAS *The Manitoba Boundaries Extension Act, 1912*, Preamble. declares the northern boundary of the Province of Manitoba to be the parallel of the sixtieth degree of north latitude, and the *Northwest Territories Act* declares the said parallel to be the southern boundary of the Northwest Territories;

AND WHEREAS the said boundary was surveyed and marked on the ground between 1957 and 1962 under the direction of the Commissioners appointed therefor, which boundary, as surveyed and marked on the ground, is shown upon fifteen map-sheets signed by the said Commissioners and entitled "Boundary between Manitoba and Northwest Territories", which map-sheets are recorded as No. 52752 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources, Ottawa;

AND WHEREAS, the Legislature of the Province of Manitoba having consented thereto, it is desirable that the boundary line so surveyed and marked on the ground be declared the boundary line between the said Province of Manitoba and the Northwest Territories;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Manitoba- Short title. Northwest Territories Boundary Act, 1966.*

2. The boundary line surveyed and marked on the ground under the direction of the Commissioners appointed therefor to delimit the boundary between the Province of Boundary declared.

Manitoba and the Northwest Territories and shown on fifteen map-sheets numbered 1 to 15 entitled "Boundary between Manitoba and Northwest Territories", signed by the Commissioners and on record as No. 52752 in the Legal Surveys and Aeronautical Charts Division of the Department of Energy, Mines and Resources at Ottawa, is hereby declared to be the boundary between the Province of Manitoba and the Northwest Territories, and in so far as the boundary so described increases, diminishes or otherwise alters the limits of the Province of Manitoba or the Northwest Territories, their limits are increased, diminished or otherwise altered accordingly.

Coming into
force.

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 62

An Act respecting the prevention of employment injury in federal works, undertakings and businesses.

[Assented to 21st December, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

- 1.** This Act may be cited as the *Canada Labour (Safety) Code*. Short title.

INTERPRETATION.

- 2.** In this Act,
- | | | |
|-----|---|--|
| (a) | "employment injury" means personal injury, including disablement, caused by an industrial accident, occupational disease or employment hazard; | Definitions.
"Employment injury." |
| (b) | "employer" means a person operating or carrying on a federal work, undertaking or business; | "Employer." |
| (c) | "federal work, undertaking or business" means a work, undertaking or business to which, in respect of employment thereupon or in connection with the operation thereof, this Act applies; | "Federal work, undertaking or business." |
| (d) | "Minister" means the Minister of Labour; and | "Minister." |
| (e) | "safety officer" means a safety officer designated pursuant to this Act and includes any regional safety officer. | "Safety officer." |

APPLICATION.

- 3.** (1) Subject to any other Act of the Parliament of Canada and any regulations thereunder, this Act applies to and in respect of employment upon or in connection with Application of Act.

the operation of any work, undertaking or business that is within the legislative authority of the Parliament of Canada excluding any work, undertaking or business of a local or private nature in the Yukon Territory or Northwest Territories but including, without restricting the generality of the foregoing,

- (a) any work, undertaking or business operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;
- (b) any railway, canal, telegraph or other work or undertaking connecting a province with any other or others of the provinces, or extending beyond the limits of a province;
- (c) any line of steam or other ships connecting a province with any other or others of the provinces, or extending beyond the limits of a province;
- (d) any ferry between any province and any other province or between any province and any country other than Canada;
- (e) any aerodrome, aircraft or line of air transportation;
- (f) any radio broadcasting station;
- (g) any bank;
- (h) any work or undertaking that, although wholly situated within a province, is before or after its execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and
- (i) any work, undertaking or business outside the exclusive legislative authority of provincial legislatures.

Government
corporations.

(2) Subject to any other Act of the Parliament of Canada and any regulations thereunder, this Act applies to and in respect of employment by a corporation established to perform any function or duty on behalf of the Government of Canada other than a corporation that is a department under the *Financial Administration Act*.

Exception.

(3) Notwithstanding subsections (1) and (2) and except as the Governor in Council may by order otherwise provide, nothing in this Act applies to or in respect of employment upon or in connection with the operation of ships, trains or aircraft.

EMPLOYMENT SAFETY.

4. (1) Every person operating or carrying on a federal work, undertaking or business shall do so in a manner that will not endanger the safety or health of any person employed thereupon or in connection therewith. Duty of employer.

(2) Every person operating or carrying on a federal work, undertaking or business shall adopt and carry out reasonable procedures and techniques designed or intended to prevent or reduce the risk of employment injury in the operation or carrying on of the federal work, undertaking or business. Safety procedures and techniques.

5. Every person employed upon or in connection with the operation of any federal work, undertaking or business shall, in the course of his employment, Duty of employee.

- (a) take all reasonable and necessary precautions to ensure his own safety and the safety of his fellow employees; and
- (b) at all appropriate times use such devices and wear such articles of clothing or equipment as are intended for his protection and furnished to him by his employer, or required pursuant to this Act to be used or worn by him.

6. (1) The fact that an employer or employee has complied with or failed to comply with any of the provisions of this Act or the regulations shall not be construed to affect any right of an employee to compensation under any statute relating to compensation for employment injury, or to affect any liability or obligation of any employer or employee under any such statute. Saving.

(2) Nothing in section 5 relieves an employer from any duty imposed upon him by section 4. Idem.

REGULATIONS.

7. (1) Subject to any other Act of the Parliament of Canada and any regulations thereunder, the Governor in Council may make regulations for the safety and health of persons employed upon or in connection with the operation of any federal work, undertaking or business and for the provision therefor of safety measures in the operation or use of plants, machinery, equipment, vehicles, materials, buildings, structures and premises used or to be used in connection with the operation of any federal work, undertaking or business and in particular, but without restricting the generality of the foregoing, may make regulations Regulations.

- (a) respecting the structural design and the maintenance of any building or other structure;

- (b) respecting the use, operation and maintenance of
 - (i) boilers and pressure vessels,
 - (ii) escalators, elevators and other devices for moving passengers or freight,
 - (iii) equipment for the generation, distribution or use of electricity, and
 - (iv) gas or oil burning equipment or other heat generating equipment;
- (c) respecting the ventilation, lighting and temperature of places of employment and prescribing the minimum amount of space for employees;
- (d) respecting the provision and maintenance of potable water supplies and of sanitary and other facilities for the well-being of employees;
- (e) respecting the guarding and fencing of machinery, equipment and places;
- (f) respecting the handling, transportation, storage, use and disposal of substances or devices dangerous to the safety or health of employees;
- (g) prescribing the standards for protective clothing and equipment to be used by employees and the use of, and the responsibility for providing, such clothing and equipment;
- (h) prescribing the age, the health and physical requirements and the qualifications of persons who may be employed in particular occupations;
- (i) respecting the protection of employees from fire and explosion;
- (j) prescribing mechanical standards for vehicles and equipment;
- (k) respecting the furnishing of information to the Minister or a safety officer as to the location of the work, undertaking or business and the nature of the operations carried on or to be carried on therein, and the nature and amount of the materials used or to be used in the operations;
- (l) respecting the reporting and investigation of accidents and dangerous occurrences;
- (m) respecting the charges that may be made for any inspection and other services provided under this Act;
- (n) respecting the adoption and implementation of appropriate safety codes;
- (o) prescribing first-aid facilities and the provision of first-aid training and the services of first-aid attendants;

- (p) governing the maintenance, production and inspection of records; and
- (q) generally for such other matters or things as may be necessary for carrying out the purposes of this Act.

(2) Any regulation made pursuant to subsection (1) may be made applicable generally to all federal works, undertakings or businesses, or particularly to one or more such works, undertakings or businesses or such classes thereof as may be specified in the regulations.

Regulation may be general or specific.

ADMINISTRATION.

8. The Minister may establish consultative and advisory committees on which employers and employees are represented to advise the Minister on any matters arising in relation to the administration of this Act, to assist in the establishment of reasonable standards of safety and to recommend regulations respecting safe employment practices, procedures and techniques.

Special committees.

9. (1) The Minister may, for any of the purposes of this Act, cause an inquiry to be made into and concerning occupational safety in any federal work, undertaking or business and may appoint one or more persons to hold the inquiry.

Inquiries.

(2) A person appointed pursuant to subsection (1) has and may exercise all of the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

Powers on an inquiry.

10. The Minister may designate any person as a safety officer under this Act and may designate regional safety officers for the purposes of this Act.

Safety officers.

11. The Minister may, with the approval of the Governor in Council, enter into an agreement with any province or any provincial body specifying the terms and conditions under which a person employed by that province or provincial body may act as a safety officer for the purposes of this Act.

Agreements respecting use of provincial employees as safety officers.

12. (1) The Minister may undertake research into the cause of and the means of preventing employment injury and may, where he deems it appropriate, undertake such research in cooperation with any department or agency of the Government of Canada or with any or all provinces or with any organization undertaking similar research.

Research into accident prevention.

Publication
of informa-
tion.

(2) The Minister may publish the results of any research undertaken pursuant to this section and compile, prepare and disseminate data or information bearing upon safety or health of employees obtained from such research or otherwise.

Employment
safety
programs.

13. The Minister may undertake programs to reduce or prevent employment injury and may, where he deems it appropriate, undertake such programs in cooperation with any department or agency of the Government of Canada or with any or all provinces or any organization undertaking similar programs.

SAFETY SERVICES.

Duties of
safety
officers.

- 14.** (1) A safety officer shall
- (a) make such inspections and inquiries and carry out such tests as he deems necessary to assure himself that this Act and the regulations are being complied with; and
 - (b) carry out such other duties as may be assigned to safety officers pursuant to this Act.

Powers of
safety
officers.

- (2) A safety officer may, in the performance of his duties,
- (a) inspect and examine all books and records relating in any way to conditions of work that affect the safety or health of any person employed upon or in connection with the operation of any federal work, undertaking or business;
 - (b) take extracts from or make copies of any entry in the books and records mentioned in paragraph (a);
 - (c) require an employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the conditions of work affecting the safety or health of all or any of his employees, and the materials and equipment used by them in their employment;
 - (d) require any person employed upon or in connection with the operation of any federal work, undertaking or business to make full disclosure, production and delivery to him of all records or documents or copies thereof, or other information, orally or in writing, that he has in his possession or under his control and that in any way relate to the conditions of work affecting his safety or health, or that of his fellow workers, in his or their employment; and

- (e) take or remove for purposes of analysis samples of materials and substances used or handled by employees, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

(3) For the purposes of this Act, a safety officer may at any reasonable time enter upon any property, place or thing used in connection with the operation of a federal work, undertaking or business and may inspect the same and may, for such purposes, question any employee apart from his employer.

Right to enter premises.

(4) The safety officer shall be furnished by the Minister with a certificate of his authority and on entering any place used in connection with the operation of a federal work, undertaking or business shall, if so required, produce the certificate to the person in charge thereof.

Certificate of authority.

(5) The person in charge of any federal work, undertaking or business and every person employed thereupon or in connection therewith shall give a safety officer all reasonable assistance in his power to enable the safety officer to carry out his duties pursuant to this Act.

Duty to assist safety officer.

15. (1) No person shall obstruct or hinder a safety officer engaged in carrying out his duties pursuant to this Act.

Obstruction of safety officer.

(2) No person shall make a false or misleading statement either orally or in writing to a safety officer engaged in carrying out his duties pursuant to this Act.

False statement.

16. (1) No safety officer shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties pursuant to this Act except with the written permission of the Minister.

Safety officer's evidence in civil suits.

(2) No safety officer who is admitted into any place in pursuance of the powers conferred by section 14 shall disclose to any person any information obtained by him therein with regard to any process or trade secret except for the purposes of this Act or as required by law.

Information confidential.

(3) No person, except for the purposes of this Act or for the purposes of a prosecution under this Act, shall publish or disclose the results of any particular analysis, examination, testing, inquiry or sampling made or taken by or at the request of a safety officer pursuant to section 14.

Information not to be published.

(4) No person to whom information obtained pursuant to section 14 is communicated in confidence

Confidential communications.

- (a) shall divulge the name of the informant to any person except for the purposes of this Act; or
- (b) is competent or compellable to divulge the name of the informant before any court or other tribunal.

Safety officer
not liable.

(5) No safety officer is personally liable for anything done by him in good faith under the authority or purported authority of this Act or the regulations.

SPECIAL SAFETY MEASURES.

Imminent
danger.

17. (1) Where a safety officer considers that any place, matter or thing, or any part or parts thereof, in a federal work, undertaking or business constitutes a source of imminent danger to the safety or health of persons employed therein or in connection with the operation thereof and that the use of the place, matter or thing is thereby contrary to this Act and the regulations,

(a) the safety officer shall notify the employer, or person in charge of the operation in which the place, matter or thing is used, of the danger and give directions in writing to the employer or person in charge directing him immediately or within such period of time as the safety officer specifies

(i) to take measures for guarding the source of danger, or

(ii) to protect any person from the danger; and

(b) the safety officer may, if he considers that the imminent danger cannot otherwise be guarded or protected against immediately, direct that the place, matter or thing shall not be used until his directions are complied with but nothing in this paragraph prevents the doing of any work or thing necessary for the proper compliance with the direction.

Posting
notice of
danger.

(2) Where a safety officer gives a direction under this section, he shall affix to or near the place, matter or thing, or any part thereof, a notice in the form prescribed by the Minister, and no person shall remove the notice unless authorized by a safety officer or by a magistrate under section 18.

Cessation of
use.

(3) Where a safety officer gives a direction under paragraph (b) of subsection (1) in respect of any place, matter or thing, the employer or person in charge thereof shall discontinue the use of the place, matter or thing and no person shall use such place, matter or thing until the measures directed by the safety officer have been taken.

Reference to
magistrate.

18. (1) The person operating or carrying on the federal work, undertaking or business in respect of which a direction is given by a safety officer under section 17 concerning the use of a place, matter or thing therein, or the person in charge of the place, matter or thing, may, by notice

in writing, require the safety officer to refer his direction to a magistrate for review, and thereupon the safety officer shall refer the direction to a magistrate having jurisdiction in the area in which the place, matter or thing is located.

(2) The magistrate to whom the direction of a safety officer is referred shall inquire into the circumstances of the direction and the need therefor and for that purpose may exercise all the powers of a commissioner under Part I of the *Inquiries Act*; and he may vary, rescind or confirm the direction and his decision thereon is final and conclusive.

(3) A reference under this section does not operate as a stay of any direction by a safety officer, given under paragraph (b) of subsection (1) of section 17, not to use a place, matter or thing.

19. (1) In the course of carrying out an inspection, a safety officer may give directions orally or in writing for the carrying out of any thing regulated, controlled or required by the regulations and may require that his directions be carried out within such time as he specifies.

(2) At the request of the person to whom a direction under subsection (1) is given, the safety officer shall put any oral direction to such person in writing and the employer or the person charged with the carrying out of the direction may appeal therefrom to the regional safety officer for the region in which the thing in respect of which the direction was given is situated by forthwith giving notice orally or in writing to such regional safety officer.

(3) The regional safety officer shall vary, rescind or confirm the direction appealed from after giving the employer, or his representative, an opportunity to be heard.

(4) An oral notice of appeal for the purposes of this section shall be confirmed in writing within twenty-four hours after such notice is given.

ENFORCEMENT.

20. (1) An employer or any person in charge of the operation of any federal work, undertaking or business who

(a) contravenes any provision of this Act or the regulations,

(b) fails or neglects to comply with a direction made by a safety officer, or

(c) discharges or threatens to discharge or otherwise discriminates against a person because that person

(i) has testified or is about to testify in any proceeding or inquiry had or taken under this Act, or

(ii) has given any information to the Minister or a safety officer regarding the conditions of work affecting the safety or health of that person or any of his fellow employees,

is guilty of an offence.

Penalty.

(2) A person who is guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offences.

(3) A person in charge of the operation of any federal work, undertaking or business who, not being the employer, is guilty of an offence under subsection (1) is punishable on summary conviction.

Offences by employees.

21. (1) A person employed upon or in connection with the operation of a federal work, undertaking or business who contravenes any provision of section 5 or any regulation prohibiting, regulating or controlling conduct on the part of employees is guilty of an offence punishable on summary conviction.

Minister's consent required.

(2) No proceeding in respect of an offence under this section shall be instituted except with the consent of the Minister.

Other offences.

22. A person who contravenes any provision of this Act for the contravention of which no other punishment is hereinbefore provided is guilty of an offence punishable on summary conviction.

Evidence of direction.

23. In any prosecution for an offence under this Act, a copy of a direction purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act or the regulations to make the direction is *prima facie* proof of the direction without proof of the signature or authority of the person by whom it purports to be signed.

Time limit.

24. Proceedings in respect of an offence under this Act may be instituted at any time within one year after the time when the subject matter of the proceedings arose.

25. A complaint or information in respect of an offence under this Act may be heard, tried and determined by a magistrate or justice if the accused is resident or carrying on business within his territorial jurisdiction, although the matter of the complaint or information did not arise in that territorial jurisdiction. Trial of offences.

26. In any proceedings in respect of offences under this Act, an information may include more than one offence committed by the same person and all such offences may be tried concurrently and one conviction for any or all such offences may be made. Information.

27. Where an employer is guilty of an offence under this Act, every employee thereof responsible for such breach is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment. Offence by responsible employee.

28. (1) The Minister may apply or cause an application to be made to a judge of a superior court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence under this Act. Injunction proceedings.

(2) The judge in his discretion may make the order applied for under subsection (1), and the order may be entered and enforced in the same manner as any other order or judgment of the superior court. Injunction.

FURNISHING OF INFORMATION.

29. (1) Where pursuant to this Act a person is required to furnish information, the Minister may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known address of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice. Notice to furnish information.

(2) A certificate purporting to be signed by the Minister or a person authorized by him Proof of failure to supply information.

(a) certifying that a notice was sent by registered mail to the person to whom it was addressed, accompanied by an identified post office certificate of the registration and a true copy of the notice, and

(b) certifying that the information has not been furnished as requested in the notice sent by the Minister

is *prima facie* proof of the facts set out therein without proof of the signature or official character of the person by whom the certificate purports to be signed.

GENERAL.

Statute
Revision
Commission
to consolidate
Labour
Statutes.

30. The Statute Revision Commission established under *An Act respecting the Revised Statutes of Canada* shall, in consolidating and revising the public general statutes pursuant to that Act, assemble and consolidate as one Act under the short title of the "*Canada Labour Code*" this Act and the following Acts:

- (a) *Canada Labour (Standards) Code*;
- (b) *Female Employees Equal Pay Act*;
- (c) *Canada Fair Employment Practices Act*; and
- (d) *Industrial Relations and Disputes Investigation Act*;

and the Statute Revision Commission may without altering the substance thereof make such alterations in their form and language as are necessary for the purposes of this section.

Coming
into force.

31. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 63

An Act to amend the Export Credits Insurance Act.

[Assented to 21st December, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S. c. 105;
1953-54, c. 15;
1957, c. 8;
1957-58, c. 15;
1959, c. 24;
1960-61, c. 33;
1962, c. 14;
1962-63, c. 2;
1964-65, c. 18.

1. Subsections (2) and (3) of section 13 of the *Export Credits Insurance Act* are repealed and the following substituted therefor:

1964-65, c. 18,
s. 3.

“(2) For the purpose of facilitating and developing trade between Canada and any other country, the Corporation may

Contracts of
insurance
with an
exporter.

- (a) enter into a contract of insurance with an exporter to insure him against any risk of loss
 - (i) by reason of the failure of the exporter, for any cause not avoidable by him or his affiliated importer, if any, to recover any amount payable to the exporter under or in respect of a transaction entered into between him and an importer,
 - (ii) by reason of the exporter's being deprived, for any cause not avoidable by him, of the use or ownership of any property employed or to be employed by him outside Canada in the rendering of services under a transaction entered into between him and an importer, or
 - (iii) from any cause not avoidable by him, arising out of the shipment of goods from Canada for exhibition purposes or on consignment for sale; and

- (b) issue unconditional guarantees, by appropriate endorsement or otherwise, to banks on medium term transactions in respect of which a contract of insurance has been entered into under paragraph (a).

Presumptions
concerning
affiliated
importer.

(3) For the purposes of subparagraph (i) of paragraph (a) of subsection (2) a transaction between an importer and the affiliated importer of an exporter may be deemed a transaction between such importer and the exporter, and any amount payable to the affiliated importer under or in respect of the transaction may be deemed to be payable to the exporter."

1962-63, c. 2,
s. 1;
1964-65, c. 18,
s. 3.

2. Sections 13c and 14 of the said Act are repealed and the following substituted therefor:

Terms of
contract.

"**13c.** The Board may, subject to this Act or any by-law, determine the terms and conditions upon which the Corporation will enter into any contract of insurance or issue any guarantee.

Liability
under
contracts
outstanding.

14. The liability of the Corporation under the contracts of insurance and guarantees issued and outstanding shall not at any time exceed a total of ten times the aggregate of the amount of the subscribed capital and the capital surplus of the Corporation."

1960-61, c. 33,
s. 1;
1964-65, c. 18,
s. 4.

3. Section 21 of the said Act is repealed and the following substituted therefor:

Contracts
approved by
Governor in
Council.

"**21.** (1) Where the Minister reports to the Governor in Council that

- (a) the Board, having regard to the limitations imposed by section 14, is of opinion that a proposed contract of insurance or a proposed contract of insurance and a guarantee issued to a bank in connection therewith will impose upon the Corporation a liability for a term or in an amount in excess of that which the Corporation would normally undertake in relation to any one contract, exporter, commodity or country, and
- (b) in the opinion of the Minister it is in the national interest that the proposed contract be entered into or the proposed contract be entered into and the guarantee be issued in connection therewith,

the Governor in Council may approve of and authorize the Corporation to enter into the proposed contract of

insurance or enter into the proposed contract of insurance and issue the proposed guarantee in connection therewith.

(2) All moneys required by the Corporation to discharge its liabilities arising under any contract of insurance entered into or guarantee issued under this section shall be paid to the Corporation by the Minister of Finance out of unappropriated moneys in the Consolidated Revenue Fund.

Moneys required to discharge liabilities to be paid out of C.R.F.

(3) The liability of the Corporation under contracts of insurance entered into and guarantees issued under this section and outstanding shall not at any time exceed six hundred million dollars and shall not be included in the liability of the Corporation for the purposes of section 14.

Limit of liability.

(4) The Corporation shall maintain a separate account of all receipts and disbursements arising out of contracts entered into and guarantees issued under this section and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet the expenses and overhead of the Corporation arising out of such contracts and guarantees.

Separate account.

(5) All moneys received by the Corporation by way of recovery of any amount paid by the Corporation in discharge of its liability under a contract of insurance entered into or contract of insurance entered into and guarantee issued under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund."

Moneys received.

4. (1) Section 21A of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

"(2a) When authorized by the Governor in Council, the Corporation may

Power to accept note, etc. of foreign government and reschedule debts.

(a) accept in exchange for an instrument held by it as security under this section, a promissory note, bill of exchange or other negotiable instrument payable to the Corporation by the government, or an agency thereof, of a foreign country that has requested the exchange and in which the person who is liable to make payment to the Corporation on the instrument so held as security is resident; and

(b) enter into an agreement with an importer or with the government, or an agency thereof, of

a foreign country and an importer resident in that country providing for variation of the provisions for payment to the Corporation contained in any agreement between the Corporation and the importer or in any instrument held by the Corporation as security for a debt owed to it by such importer."

1964-65,
c. 18. s. 5(5).

(2) Subsection (4) of section 21A of the said Act is repealed and the following substituted therefor:

Limit of
liability of
importers and
governments.

"(4) The liability

(a) of importers under all outstanding guaranteed instruments and instruments made payable to the Corporation, and

(b) of governments of foreign countries or agencies thereof under all outstanding promissory notes, bills of exchange or other negotiable instruments payable to the Corporation

shall not at any time exceed five hundred million dollars."

(3) Subsection (6) of section 21A of the said Act is amended by adding thereto, immediately after paragraph (a) thereof, the following paragraph:

"(ab) in discharge of the liability of a government of a foreign country or an agency thereof under a promissory note, bill of exchange or other negotiable instrument payable to the Corporation;"

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 64

An Act to authorize the payment of contributions by Canada towards the cost of insured medical care services incurred by provinces pursuant to provincial medical care insurance plans.

[Assented to 21st December, 1966.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Medical Care Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | | |
|-----|---|----------------------------------|
| (a) | "contribution" means a contribution by Canada pursuant to section 3; | Definitions.
"Contribution." |
| (b) | "contribution commencement day" means the 1st day of July, 1968, or such earlier day as the Governor in Council may fix by proclamation being a day not less than six months after the day the proclamation is issued; | "Contribution commencement day." |
| (c) | "insurable resident" in relation to any province means an individual who is a resident of the province and is not excluded from the calculation of the population of the province by virtue of paragraph (j); | "Insurable resident." |
| (d) | "insured person" in relation to any province means an insurable resident of the province who is entitled to insured services under a medical care insurance plan of the province; | "Insured person." |
| (e) | "insured services" means all services rendered by medical practitioners that are medically required, except any services that a person is eligible for and entitled to under any other Act of the Parliament of Canada or under any law | "Insured services." |

- of a province relating to workmen's compensation;
- "Medical care insurance plan." (f) "medical care insurance plan" means a plan established pursuant to an Act of the legislature of a province that satisfies the criteria set forth in subsection (1) of section 4;
- "Medical practitioner." (g) "medical practitioner" means a person lawfully entitled to practice medicine in the place in which such practice is carried on by him;
- "Minister." (h) "Minister" means the Minister of National Health and Welfare;
- "Participating province." (i) "participating province" for any year means a province in which there is in operation in the year a medical care insurance plan in respect of which a contribution is payable by Canada to the province for the year pursuant to section 3;
- "Population." (j) "population" when used with reference to a province means the population of the province, as certified by the Dominion Statistician, calculated for any year as the population of the province on the first day of October in that year after excluding therefrom members of the Canadian forces, members of the Royal Canadian Mounted Police Force and persons serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act*;
- "Resident." (k) "resident" of a province means a person lawfully entitled to be or to remain in Canada, who makes his home and is ordinarily present in the province, but does not include a tourist, transient or visitor to the province; and
- "Year." (l) "year" means a twelve-month period ending on the thirty-first day of March, but in the case of the twelve-month period so ending that includes the contribution commencement day, means the part of that period commencing on that day.

CONTRIBUTIONS.

Contribution payable. **3.** A contribution is payable by Canada to each province in accordance with this Act, calculated for each year in respect of the cost of insured services incurred by the province in the year pursuant to a medical care insurance plan of the province.

Criteria to be satisfied by plan in respect of which contribution payable. **4.** (1) A medical care insurance plan of a province in respect of which a contribution is payable by Canada to the province for a year pursuant to section 3 is a plan, established pursuant to an Act of the legislature of the

province (hereinafter referred to as the "provincial law"), that throughout the year satisfies the following criteria:

- (a) the plan is administered and operated on a non-profit basis by a public authority appointed or designated by the government of the province (hereinafter referred to as the "provincial authority"), that is responsible in respect of the administration and operation of the plan to the government of the province or to a provincial minister designated by the government of the province for such purpose, and that is subject in respect of its accounts and financial transactions to audit by such person as is charged by law with the audit of the accounts of the province;
- (b) the plan provides for and is administered and operated so as to provide for the furnishing of insured services upon uniform terms and conditions to all insurable residents of the province, by the payment of amounts in respect of the cost of insured services in accordance with a tariff of authorized payments established pursuant to the provincial law or in accordance with any other system of payment authorized by the provincial law, on a basis that provides for reasonable compensation for insured services rendered by medical practitioners and that does not impede or preclude, either directly or indirectly whether by charges made to insured persons or otherwise, reasonable access to insured services by insured persons;
- (c) the number of insurable residents of the province who are entitled under the plan to insured services is not less than 90% of the total number of insurable residents of the province, except that in applying this paragraph for the purpose of determining whether the plan satisfies the criteria set forth in this subsection throughout the third and each subsequent year after the year commencing on the contribution commencement day, there shall be substituted for the expression "90%" in this paragraph the expression "95%"; and
- (d) the plan does not impose any minimum period of residence in the province or any waiting period in excess of three months before persons who are or become residents of the province are eligible for or entitled to insured services, and the plan provides for and is administered and operated so as to provide for the payment of

amounts in respect of the cost of insured services furnished to insured persons while temporarily absent from the province, and in the case of persons who have ceased to be insured persons by reason of having become residents of another participating province, of the cost of insured services furnished to such persons during any minimum period of residence or waiting period imposed by the medical care insurance plan of that other province, on the same basis as though such persons had not been absent from the province or had not ceased to be residents of the province, as the case may be.

Responsibilities of provincial authority in relation to administration.

(2) Notwithstanding paragraph (a) of subsection (1), a plan established by an Act of the legislature of a province does not fail to satisfy the criteria set forth in that paragraph by reason only that it authorizes the designation by the provincial authority of an agency or agencies to carry out any responsibility in connection with the receipt and payment of accounts rendered for insured services or authorizes any agency or agencies so designated to receive premiums or other amounts payable under the provincial law for remission to the provincial authority, if under the provincial law it is a condition of any such designation that all individual accounts so rendered to which the designation extends are subject to assessment and approval by the provincial authority and that the amounts to be paid in respect thereof shall be determined by the provincial authority.

Other health services.

(3) In the application of this Act to a plan established by an Act of the legislature of a province, any health services of a kind prescribed by the Minister to be required health services rendered by a person lawfully entitled to render such services in the place where they are so rendered shall, under such terms and conditions as may be specified by the Governor in Council and if the provincial law so provides, be deemed to be services rendered by a medical practitioner that are medically required.

CALCULATION OF CONTRIBUTIONS.

Amount of contribution.

5. (1) The amount of the contribution payable by Canada to a province for a year in respect of a medical care insurance plan of the province is an amount, as determined by the Minister on the basis of information furnished as required by this Act, equal to 50% of

(a) the per capita cost for the year of all insured services furnished pursuant to medical care insurance plans of participating provinces multiplied by

- (b) the average for the year of the number of insured persons in the province at the end of each month in the year.

(2) The per capita cost for a year of all insured services furnished pursuant to medical care insurance plans of participating provinces is an amount equal to

Calculation
of per capita
cost.

- (a) the aggregate of the costs of insured services incurred by each of the participating provinces in the year pursuant to medical care insurance plans of those provinces,

divided by

- (b) the aggregate of the averages for the year of the numbers of insured persons in each of the participating provinces at the end of each month in the year.

(3) The average for a year of the number of insured persons in a province at the end of each month in the year is an amount calculated as follows:

Calculation
of number
of insured
persons.

- (a) in the case of a province having no means of determining, through a system of registration or premium payments, the number of insured persons in the province at a particular time in the year, by multiplying

- (i) the population of the province for the year divided by the number of months in the year

by

- (ii) the number of full months in the year during which insured services were furnished pursuant to the medical care insurance plan of the province;

- (b) in the case of a province having a means of determining, through a system of registration or premium payments, the number of insured persons in the province at a particular time in the year, by dividing

- (i) the aggregate of the numbers of insured persons estimated by the province to have been in the province at the end of each full month in the year during which insured services were furnished pursuant to the medical care insurance plan of the province

by

- (ii) the number of months in the year; and

- (c) in the case of a province that for part of the year was a province described in paragraph (a) and for another part of the year was a province described in paragraph (b), by adding

Calculation
of cost
incurred by
province.

- (i) the number obtained by the application of paragraph (a) in respect of that part of the year during which the province was a province described in paragraph (a), and
 - (ii) the number obtained by the application of paragraph (b) in respect of that part of the year during which the province was a province described in paragraph (b).
- (4) In calculating for the purposes of this Act the cost of insured services incurred by a province in a year pursuant to a medical care insurance plan of the province, there shall not be included

- (a) the cost of any insured service furnished before the contribution commencement day;
- (b) any cost of administration of the plan; or
- (c) any premium or other amount payable by an insured person in respect of the cost of insured services;

and there shall be deducted any amount paid in the year to or to the credit of the province or the provincial authority or into any account or fund established in connection with the administration or operation of the plan, otherwise than as a premium or other amount not related to the cost of specific insured services, in respect of the cost of insured services furnished pursuant to the plan.

ADVANCES AND PAYMENT.

Information
required for
payment of
advances and
other
amounts.

6. (1) It is a condition of payment of any amount as or on account of a contribution by Canada to a province for a year in respect of a medical care insurance plan of the province

- (a) that the provincial authority will
 - (i) on or before the contribution commencement day or the date of commencement of the plan, whichever is the later, in the case of the year that includes the later of those dates, and
 - (ii) on or before the thirty-first day of December immediately preceding the commencement of the year, in the case of each year subsequent to the year that includes the later of the dates referred to in subparagraph (i),

furnish to the Minister such information as is required by him for the purpose of determining the estimated cost of insured services incurred by the province in the year pursuant to the plan; and

- (b) that the provincial authority will, within six months after the end of the year or within such extended time thereafter as the Minister may in special circumstances determine, furnish to the Minister such information as is required by him for the purpose of determining the actual cost of insured services incurred by the province in the year pursuant to the plan.

(2) On the basis of the information furnished as required by paragraph (a) of subsection (1) with respect to the medical care insurance plan of a province, the Minister shall determine the estimated amount of the contribution by Canada to the province for the year to which that information relates and monthly advances on account thereof, the amount of each of which shall be not less than 90% of the estimated amount of the contribution so determined divided by the number of months in the year that are after the month preceding the date of commencement of the plan, shall, on the certificate of the Minister, be paid to the province by the Minister of Finance out of the Consolidated Revenue Fund.

Determina-
tion of
estimated
contribution
and payment
of advances
on account
thereof.

(3) On the basis of the information furnished as required by paragraph (b) of subsection (1) with respect to the medical care insurance plan of a province, the Minister shall determine the actual amount of the contribution by Canada to the province for the year to which that information relates and any balance then remaining on account thereof that is certified by the Minister to be payable to the province shall be paid to the province by the Minister of Finance out of the Consolidated Revenue Fund, and any amount by which the aggregate of the advances made on account thereof pursuant to subsection (2) exceeds the actual amount of the contribution so determined shall be recovered out of any moneys payable to the province for any other year under this Act or may otherwise be recovered as a debt due to Canada by the province.

Determina-
tion and
payment of
actual con-
tribution.

7. (1) Where any question arises under this Act as to whether a plan established pursuant to an Act of the legislature of a province satisfies or has ceased to satisfy the criteria set forth in subsection (1) of section 4, the question shall upon the report of the Minister be referred to the Governor in Council, who shall, after considering the report and such other information or evidence relevant to the question as is available to him, determine the question; and where it is determined pursuant to this section that a plan does not or has ceased to satisfy the criteria set forth in subsection (1) of section 4, a copy of the order of the Governor in Council evidencing the determination and setting

Determina-
tion of
question as
to whether
contribution
payable.

forth the particulars in respect of which the plan does not or has ceased to satisfy those criteria shall forthwith be communicated to the government of the province.

Advances,
etc., not
recoverable
by Canada.

(2) Notwithstanding anything in this Act, where it is determined pursuant to this section that a plan established by an Act of the legislature of a province has ceased to satisfy the criteria set forth in subsection (1) of section 4, any advance or other payment under this Act made by Canada to the province before the date of the making of the determination is not recoverable by Canada.

PAYMENT OF CONTRIBUTIONS FOR YEARS COMMENCING AFTER MARCH 31, 1973.

Review of
provisions
of Act
respecting
payment of
contributions
for years
after
March 31,
1973.

8. At least six months before the 31st day of March, 1973, the Government of Canada shall review the provisions of this Act respecting the amount and manner of payment of the contributions payable by Canada pursuant to section 3 with a view to formulating proposals for any changes therein that appear then to be necessary or desirable with respect to the amount and manner of payment, whether by the transfer or allocation of specified tax revenues by Canada and the making of equalization payments and other fiscal adjustments by Canada in lieu of the contributions that would otherwise be payable pursuant to section 3 or in any other manner, of the contributions to be paid by Canada pursuant to this Act for years commencing after that day.

REPORT TO PARLIAMENT.

Annual
report by
Minister.

9. The Minister shall, as soon as possible after the termination of each year and in any event not later than the 31st day of December next following the end of that year, prepare a report respecting the operation of this Act for that year and shall cause such report to be laid before Parliament forthwith upon the completion thereof or, if Parliament is not then sitting, within the first fifteen days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15 ELIZABETH II.

CHAP. 65

An Act to amend the Old Age Security Act.

[Assented to 21st December, 1966.]

R. S., c. 200;
1957-58, c. 3;
1959, c. 14;
1960, c. 34;
1962, c. 5;
1963, c. 16;
1964-65, c. 51.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 2 of the *Old Age Security Act* is repealed and the following substituted therefor:

- | | |
|---|----------------|
| "2. In this Act, | Definitions, |
| (a) "applicant" means a person who has applied for a benefit; | "Applicant." |
| (b) "application" means an application for a benefit; | "Application." |
| (c) "beneficiary" means a person to whom payment of a benefit has been approved; | "Beneficiary." |
| (d) "benefit" means a pension or supplement; | "Benefit." |
| (e) "cheque" means any instrument issued in payment of a benefit; | "Cheque." |
| (f) "Minister" means the Minister of National Health and Welfare; | "Minister." |
| (g) "pension" means a monthly pension authorized to be paid under Part I; | "Pension." |
| (h) "pensioner" means a person whose application for a pension has been approved; and | "Pensioner." |
| (i) "supplement" means a monthly guaranteed income supplement authorized to be paid under Part II." | "Supplement." |

2. The said Act is further amended by adding thereto, immediately after section 2 thereof, the following heading:

“PART I.

MONTHLY PENSION.”

3. The said Act is further amended by adding thereto, immediately after section 5 thereof, the following headings and sections:

“PART II.

MONTHLY GUARANTEED INCOME SUPPLEMENT.

Definition of “year”.

6. In this Part, “year” means a calendar year.

Supplement Payable.

Supplement payable.

7. (1) Subject to this Part and the regulations, for each month in any year commencing with the year 1967, a monthly guaranteed income supplement may be paid to every pensioner born on or before the 31st day of December, 1910.

Limitations.

(2) No supplement may be paid to any pensioner for a month in any year unless an application therefor has been made by him and payment of the supplement for months in that year has been approved under this Part, and no supplement may be paid to any pensioner pursuant to an application therefor for

(a) any month more than four months before the month in which the application is received;

(b) any month for which no pension may be paid to the pensioner; or

(c) any month throughout which the pensioner is absent from Canada having absented himself from Canada either before or after becoming a pensioner and having remained out of Canada before that month for six consecutive months, exclusive of the month in which he left Canada.

Amount of Supplement.

Amount of supplement.

8. (1) The amount of the supplement that may be paid to a pensioner for a month

(a) in the year 1967, is thirty dollars, and

(b) in any year after 1967, is forty per cent of the amount of the pension that may be paid to him for that month,

minus one dollar for each full two dollars of his monthly base income, being one-twelfth of his income for the preceding year.

(2) For the purposes of subsection (1) and section 9, the amount of the pension that may be paid to a pensioner for any month is the amount thereof determined under section 3A without regard to any deduction therefrom or other adjustment thereof that may be made under this or any other Act. Idem.

Calculation of Income.

- 9.** For the purposes of this Part, Calculation of income for preceding year.
- (a) the income for a year of a person, other than a person described in paragraph (b), is his income for that year computed in accordance with the *Income Tax Act*, minus
- (i) the amount of any pension or supplement and the amount of any similar payment under a law of a provincial legislature, and
 - (ii) the amount of any benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act,
- included in computing that income, and plus the amount of any benefit described in subparagraph (ii) received by him in the following year; and
- (b) the income for a year of a person who on the last day of that year was married is
- (i) one-half of the aggregate of the incomes for that year of that person and his spouse calculated in each case as described in paragraph (a),
- minus,
- (ii) where the spouse of that person is at no time in the following year a pensioner, six times the amount of the pension that may be paid to a pensioner for any month in that year.

Statement or Estimate of Income.

10. (1) Every person by whom an application for a supplement in respect of any year is made shall, in his application, make a statement of his income for the preceding year. Statement of income to be made.

(2) Where in any year for which a statement of his income is required by this section to be made by an applicant in his application, the applicant has ceased Election to estimate income from prescribed sources for year following year of retirement.

to hold an office or employment previously held by him or ceased to carry on a business previously carried on by him, if the applicant in his application so elects he may, in addition to making the statement of his income for that year so required to be made in his application, file a statement of his estimated income from prescribed sources for the following year, in which case his income from those sources for the following year and not for that year shall be deemed to be his income from those sources for the year for which the statement of his income is so required to be made in his application.

Election to estimate income for part only of year of retirement.

(3) Where in any year in respect of which an application for a supplement is made by an applicant, the applicant has ceased to hold an office or employment previously held by him or ceased to carry on a business previously carried on by him, if the applicant in his application so elects he may, in addition to making the statement of his income for the preceding year required by this section to be made in his application, file a statement of his estimated income, other than his estimated income from that office or employment or from that business, as the case may be, for the year in respect of which the application is made, in which case

(a) his income for that year and not the preceding year, calculated as described in section 9 as though he had no income from that office or employment or from that business, as the case may be, and no private pension income for that year, and received no benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act in the following year,

plus

(b) any private pension income and any benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act, received by him in that year during or after the first month for which a supplement may be paid to him pursuant to his application, divided by the number of months in that year for which the supplement may be so paid and multiplied by twelve,

shall be deemed to be his income for the preceding year.

(4) Where in an application for a supplement in respect of any year an election under subsection (2) or (3) is made by the applicant, the application shall be

Where election under ss. (2) or (3) made.

deemed not to have been received and shall not be considered or dealt with until such time as the applicant has filed the statement of estimated income referred to in subsection (2) or (3), as the case may be, and where the election is an election under subsection (3) no supplement may be paid to him pursuant to the application for any month in that year preceding the month following the month stated in the application as the month in which the applicant ceased to hold the office or employment or ceased to carry on the business referred to in that subsection.

(5) No more than one election under subsection (2) and no more than one election under subsection (3) may be made by or on behalf of any one applicant.

Limit on elections.

Married Applicants.

11. (1) Every person by whom an application for a supplement in respect of any year is made shall, in his application, state whether on the last day of the preceding year he was married and, if so, the name and address of his spouse and whether to his knowledge his spouse is a pensioner.

Statement as to marital status.

(2) Subject to subsection (3), where an application for a supplement in respect of any year is made by a person who on the last day of the preceding year was married, the application shall be deemed not to have been received and shall not be considered or dealt with until such time as

Statement by spouse.

(a) the spouse of the applicant has filed a statement in prescribed form of the spouse's income for the preceding year; or

(b) an application for a supplement in respect of that year has been received from the spouse of the applicant.

(3) Where an application for a supplement in respect of any year has been made by a person but no statement or application as described in subsection (2) has been filed by or received from his spouse, the Minister may, if requested to do so by the applicant and after such investigation of the circumstances of the case as he deems necessary, direct that the application be considered and dealt with as though the applicant had not been married on the last day of the preceding year and as though the application had been received at the time when in fact it was received.

Direction by Minister where no statement filed by spouse.

(4) Where, after the Minister has made any direction under subsection (3) with respect to an application for a supplement in respect of any year, a statement or application as described in subsection

Review of direction where statement subsequently filed by spouse.

(2) is filed by or received from the spouse of the applicant, the Minister may review the direction previously made by him and may thereupon direct that any supplement paid to the applicant or his spouse for months in that year following the month in which the review is made be calculated either on the basis that the applicant and his spouse were in fact married on the last day of the preceding year or as though they had not been married on that day, accordingly as the direction may specify.

Direction by Minister where change in marital status after last day of preceding year.

(5) Where an application for a supplement in respect of any year is or has been made by a person and, at any time in that year, that person

(a) has married, or

(b) has ceased to be married whether as a result of the death of his spouse or otherwise,

the Minister may, if requested to do so by that person, direct that any supplement paid to that person or, except where paragraph (b) applies, to that person or his spouse for months in that year following the month in which the direction is made, be calculated,

(c) where paragraph (a) applies, as though that person and his spouse had been married on the last day of the preceding year, and

(d) where paragraph (b) applies, as though that person had not been married on the last day of the preceding year.

Saving provision.

(6) Nothing in subsection (5) shall be construed to limit or restrict the authority of the Minister to make any direction under subsection (3) or (4).

Payment of Supplement.

Consideration of application and action by Minister.

12. (1) The Minister shall forthwith upon receiving an application for a supplement consider the application and may approve payment of a supplement and fix the amount thereof that may be paid to the applicant, or may determine that no supplement may be paid to him.

Notification of applicant.

(2) Where particulars of the basis on which the amount of any supplement that may be paid to an applicant was fixed by the Minister are requested by the applicant or where the Minister determines that no supplement may be paid to him, the Minister shall forthwith in writing notify the applicant of the basis upon which that amount was fixed or of his decision that no supplement may be paid to him and his reasons therefor, as the case may be.

13. (1) Where

- (a) an application for a supplement for months in any year has been received from a person and payment thereof would be approved except that the amount of the supplement cannot be fixed as required by section 12 at the time the approval would otherwise be given, or
- (b) that person has notified the Minister in prescribed form of his intention to apply for a supplement for months in any year, having been in receipt of a supplement for a month or months in the preceding year and having so notified the Minister on or before the thirty-first day of December in that preceding year,

Approval of
interim
supplement.

the Minister may approve payment to that person of an interim supplement for a maximum of four months in that year in such amount as he may fix, and payment of the interim supplement may be made in like manner as if an application for a supplement for months in that year had been made by that person and had been approved.

(2) Where an interim supplement for one or more months in any year has been paid to a person under subsection (1),

- (a) if the amount of the interim supplement paid to him is less than the amount of the supplement subsequently authorized to be paid to him for those months, there shall be paid to him the additional amount that he would have received if payment of the supplement had been approved at the time payment of the interim supplement was approved; and
- (b) if the amount of the interim supplement paid to him exceeds the amount of the supplement subsequently authorized to be paid to him for those months, or if no supplement is subsequently authorized to be so paid to him, the amount of the excess, or the amount of the interim supplement paid to him, as the case may be, shall be deducted and retained out of any subsequent payments of supplement or pension made to him, in such manner as may be prescribed.

Adjustment
to be made
where
supplement
subsequently
approved or
no supplement
approved.

14. Payment of a supplement for any month shall be made in arrears at the end of the month, except that where payment of a supplement in respect of any year is approved after the end of the month for which the first payment of the supplement may be

Payment of
supplement
to be made
in arrears.

made, payments thereof for the month in which payment of the supplement is approved and for months preceding that month may be made at the end of that month or at the end of the following month.

Adjustment of Payments.

Adjustment
of payments
of supplement.

15. Where an application for a supplement in respect of any year has been approved, and it is subsequently determined that the income of the applicant for the preceding year calculated as required by this Part (hereinafter referred to as his "actual income") does not accord with his income (hereinafter referred to as his "shown income") calculated as required by this Part on the basis of the amount shown as his income or estimated income in the statement thereof required or permitted by section 10 to be made or filed by him, the following adjustments shall be made:

- (a) if his actual income exceeds his shown income, any amount by which the supplement paid to him for months in that year exceeds the supplement that would have been paid to him for those months if his shown income had been equal to his actual income shall be deducted and retained out of any subsequent payments of supplement or pension made to him, in such manner as may be prescribed; and
- (b) if his shown income exceeds his actual income, there shall be paid to him any amount by which the supplement that would have been paid to him for months in that year if his actual income had been equal to his shown income exceeds the supplement paid to him for those months.

PART III.

GENERAL.

Appeals.

16. (1) Where a person is dissatisfied with a decision or determination made under this Act that no pension may be paid to him or that no supplement may be paid to him, or as to the amount of any supplement that may be paid to him, he may appeal against such decision or determination to a tribunal to be established and conducted in accordance with the regulations, and the decision of such tribunal, subject only to variation by such tribunal upon application made to it by that person or the Minister based on evidence not previously considered by it, is final and binding and is not subject to appeal or review by any court.

(2) Where on an appeal under this Act it is a ground of the appeal that a decision or determination made by the Minister as to the income or income from a particular source or sources of an applicant or beneficiary or of the spouse of such applicant or beneficiary was incorrectly made, the appeal on that ground shall in accordance with the regulations be referred for decision to the Tax Appeal Board constituted by the *Income Tax Act*, whose decision thereon, subject only to variation by the Tax Appeal Board in accordance with any decision on an appeal under that Act relevant to the appeal under this Act, is final and binding for all purposes of the appeal under this Act.

Reference as to income.

17. (1) Except as provided in this section, all information with respect to any individual applicant or beneficiary or the spouse of any applicant or beneficiary, obtained by an officer or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer or employee shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any such person to inspect or have access to any statement or other writing containing any such information.

Communication of privileged information.

(2) Any information obtained by an officer or employee in the Department of National Health and Welfare pursuant to this Act or the regulations may be communicated to an officer or employee in the Department of National Revenue, the Department of Finance, the Department of Veterans Affairs, the Unemployment Insurance Commission or the Dominion Bureau of Statistics or, under conditions prescribed by the Governor in Council, to any provincial authority administering a program of assistance payments, where that information is information only as to whether a person is or has been in receipt of a benefit or as to the amount of that benefit or where such communication is necessary for the purposes of the administration of this Act.

Exception re information obtained on behalf of Minister.

- (3) Notwithstanding any other Act or law,
- (a) the Minister of National Revenue or any person designated by him for the purpose may, upon the request of the Minister, for any purpose relating to the administration of this Act, furnish to the Minister or to any officer or employee in the Department of National Health and Welfare designated by the Minister for the purpose, a report providing information

Exception re information obtained under any other Act and as to Social Insurance Numbers.

available to the Minister of National Revenue relating to the income or income from a particular source or sources of an applicant or beneficiary or the spouse of such applicant or beneficiary; and

- (b) where Social Insurance Numbers have been assigned under the authority of any other Act, the Minister or other authority charged with the administration of that Act and the Minister may exchange any information contained in applications for such numbers and any numbers so assigned, and may make or cause to be made available any such information or numbers in such manner as may be authorized by that Act.

Evidence and
production of
documents.

(4) Notwithstanding any other Act or law, no officer or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing any such information.

Application
of ss. (1)
and (4).

(5) Subsections (1) and (4) do not apply in respect of proceedings relating to the administration or enforcement of this Act."

4. (1) Sections 6 to 12 of the said Act, as in force immediately before the coming into force of this Act, are renumbered and amended in the manner and to the extent provided for in this section.

(2) Sections 6 to 8 of the said Act are respectively renumbered and amended as follows:

Regulations.

"18. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations

- (a) prescribing the manner and form of making any application, statement or notification required or permitted by this Act, the information and evidence to be furnished in connection therewith and the procedure to be followed in dealing with and approving applications;
- (b) prescribing sources of income of a person for a year for the purposes of any election under subsection (2) of section 10, and defining the expression "private pension income" for the purposes of any election under subsection (3) of section 10;
- (c) prescribing the circumstances that shall be deemed to constitute, or prescribing what shall

be or shall be deemed to be, an application by or on behalf of persons who are qualified for a pension under this Act and who, on or before the 31st day of December, 1951, applied for or were granted a pension as defined in the *Old Age Pensions Act*, chapter 156 of the Revised Statutes of Canada, 1927, and prescribing the time at which such applications shall be deemed to have been made or approved;

- (d) prescribing the information and evidence to be furnished by beneficiaries and the circumstances and form in which such information or evidence shall be submitted;
- (e) providing for the assignment of Social Insurance Numbers by the Minister to applicants and beneficiaries, and to the spouses of such applicants and beneficiaries, to whom such numbers have not earlier been assigned;
- (f) defining residence in Canada and defining intervals of absence from Canada that shall be deemed not to have interrupted residence in Canada;
- (g) providing for the suspension of payment of a benefit during an investigation into the eligibility of the beneficiary and the reinstatement or resumption of the payment thereof;
- (h) prescribing the manner in which any amount required by this Act to be deducted and retained out of any benefit payment shall be so deducted and retained;
- (i) providing for the establishment and conduct of a tribunal for the hearing or determination of appeals under this Act and prescribing the procedure to be followed on such appeals and on any references under subsection (2) of section 16 in connection therewith; and
- (j) providing for the making of any application, statement or election, or the doing of any other act or thing required or permitted by this Act, by any person or agency, and for the payment of a benefit to any person or agency, on behalf of any other person or beneficiary where it is established in such manner and by such evidence as may be prescribed by the regulations that such other person or beneficiary is by reason of infirmity, illness, insanity or other cause incapable of managing his own affairs, and prescribing the manner in which any benefit authorized to be paid to any such

person or agency shall be administered and expended for the benefit of the beneficiary and accounted for.

Benefit not assignable.

19. A benefit shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a benefit is void.

Return of payment to which recipient not entitled.

20. (1) A person who has been paid or has obtained a benefit payment to which he was not entitled shall forthwith return the cheque or the amount thereof.

Recovery.

(2) Where a person receives or obtains a benefit payment to which he is not entitled, the amount thereof may be recovered at any time as a debt due to the Crown; and where that person is or subsequently becomes a beneficiary, the amount of any such indebtedness may be deducted and retained out of any benefit payable to him."

(3) Section 9 of the said Act is renumbered as section 21 and subsection (1) thereof is amended as follows:

Offences.

"21. (1) Every person who

(a) knowingly makes a false or misleading statement in any application or statement required or permitted by this Act or makes any such application or statement that by reason of any non-disclosure of facts is false or misleading or obtains any benefit payment by false pretences,

(b) being the payee thereof, negotiates or attempts to negotiate any cheque to which he is not entitled, or

(c) contravenes section 17, is guilty of an offence punishable on summary conviction."

1959, c. 14, s. 1(1).

(4) Section 10 of the said Act is renumbered as section 22.

(5) Section 11 of the said Act is renumbered as section 23 and subsections (1) to (3) thereof are amended as follows:

Old Age Security Fund.

"23. (1) There shall be established an account in the Consolidated Revenue Fund to be known as the Old Age Security Fund to which shall be credited from time to time in respect of each fiscal year

(a) an amount equal, in the opinion of the Minister of National Revenue, to

(i) the Old Age Security tax collected, in that year before the time of crediting, by virtue of section 22,

minus

(ii) the aggregate of

(A) amounts previously credited in respect of that year under this paragraph, and

(B) such amount as should be allowed for refunds that have been made or will have to be made; and

(b) the amount of each temporary loan made pursuant to this section.

(2) All benefits payable under this Act shall be paid out of the Consolidated Revenue Fund and charged to the Old Age Security Fund. Payment of benefits out of C.R.F.

(3) If the Minister of Finance is of the opinion that the amount to the credit of the Old Age Security Fund is or will be less than the amount required to pay the benefits payable under this Act, he may from time to time direct that amounts be credited to the Fund by way of temporary loans and the amount of such loans shall be charged to the Fund by way of repayment at such time as the Minister of Finance may direct." Temporary loans.

(6) Section 12 of the said Act is renumbered as section 24.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

14-15-16 ELIZABETH II.

CHAP. 66

An Act to amend the Canada Corporations Act to facilitate the incorporation by letters patent of corporations without objects of pecuniary gain.

[Assented to 9th February, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 53;
1964-65, c. 52;
1966-67, c. 25.

1. Subsection (1) of section 144 of the *Canada Corporations Act* is repealed and the following substituted therefor: 1964-65, c. 52,
s. 43.

"144. (1) The Registrar General of Canada may by letters patent under his seal of office grant a charter to any number of persons, not being fewer than three, who apply therefor, constituting the applicants and any other persons who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on, without pecuniary gain to its members, objects, to which the legislative authority of the Parliament of Canada extends, of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects." Application
without
objects of
gain.

2. Paragraphs (b) and (c) of subsection (1) of section 147 of the said Act are repealed and the following substituted therefor: 1964-65, c. 52,
s. 45(1).

"(b) section 14 (except paragraph (t) of subsection (1) thereof) and subsections (1), (3), (4) and (5) of section 17;

- (c) sections 18 to 21, subsection (2) and paragraph (b) of subsection (3) of section 22, sections 24 to 30, section 40, sections 63 to 72, sections 91, 96, 97, 100 and 104;”

1964-65, c. 52, s. 46. **3.** Section 147A of the said Act is repealed and the following substituted therefor:

Annual meetings and reports.

“**147A.** Sections 100, 125 and 140A apply to any corporation without share capital incorporated by Special Act of the Parliament of Canada for the purpose of carrying on, without pecuniary gain to its members, objects, to which the legislative authority of the Parliament of Canada extends, of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects.

Bringing corporations under Part II.

147B. (1) A corporation referred to in section 147A may apply for letters patent under Part II if at the time of its application the corporation is carrying on its affairs, and the Registrar General of Canada may issue letters patent continuing it as a corporation under Part II and thereafter Part II applies to the corporation as if it had been incorporated thereunder.

Change of powers, etc.

(2) Where a corporation applies for letters patent under this section, the Registrar General of Canada may, by the letters patent, limit or extend the powers of the corporation, name its directors and change its corporate name, if the applicants so desire.

Application of sections 8 and 9.

(3) Sections 8 and 9 apply in respect of the issue of letters patent authorized under this section.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 67

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1965 to the 30th day of June, 1967, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

[Assented to 9th February, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canadian National Railways Financing and Guarantee Act, 1965-66.* Short title.

INTERPRETATION.

- 2.** In this Act,
- | | |
|---|-------------------------------------|
| (a) "National Company" means the Canadian National Railway Company; | Definitions.
"National Company." |
| (b) "National System" means the National Railways as defined in the <i>Canadian National Railways Act</i> and any companies controlled by the National Company through stock ownership; and | "National System." |
| (c) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities, described in subsection (1) of section 4. | "Securities." |

CAPITAL EXPENSE.

- 3.** (1) The National System is authorized,
- | | |
|--|--|
| (a) to make capital expenditures not exceeding in the aggregate \$161,600,000 in the calendar year | Capital expenditures authorized for 1965 and 1966. |
|--|--|

1965 and not exceeding in the aggregate \$192,000,000 in the calendar year 1966, in the following estimated amounts for the purposes of capital investment:

(i) *Estimated requirements in the calendar year 1965:*

Road property.....	\$60,560,000
Branch lines.....	300,000
Equipment.....	76,642,000
Telecommunications.....	16,450,000
Hotels.....	6,548,000
Investment in affiliated companies.....	1,100,000

(ii) *Estimated requirements in the calendar year 1966:*

Road property.....	\$63,202,000
Branch lines.....	7,745,000
Equipment.....	97,235,000
Telecommunications.....	15,364,000
Hotels.....	6,954,000
Investment in affiliated companies.....	1,500,000

Capital
expenditures
in 1967.

- (b) to make capital expenditures not exceeding in the aggregate \$126,000,000 in the calendar year 1967 prior to the 1st day of July of that year, by investing in securities of Air Canada to enable Air Canada to discharge obligations that were incurred prior to that year and have become due and payable before that day, and to discharge obligations that were incurred by the National Company prior to that year and have become due and payable before that day; and

Contracts
for new
equipment
etc. prior to
July 1, 1967.

- (c) to enter into contracts prior to the 1st day of July, 1967, for the acquisition of new equipment and for general additions and conversions that will come in course of payment after the calendar year 1966, in amounts not exceeding in the aggregate \$90,000,000.

Power to
borrow
money.

(2) The National Company, with the approval of the Governor in Council, is authorized

- (a) at any time prior to the 1st day of July, 1967, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required by

Air Canada for the purposes mentioned in paragraph (b) of subsection (1); and

- (b) by the issue and sale of securities, to borrow money to repay loans made under section 6.

(3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the National Company.

Statement of amounts borrowed.

(4) An estimate of the amounts required for the purposes of paragraph (b) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1967.

Estimate of amounts required.

(5) Any amount payable under a contract entered into pursuant to paragraph (c) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable.

Amount payable included in budget.

(6) No amounts shall be spent for a purpose mentioned in this section in excess of the aggregate amount authorized by this section in respect of that purpose, and for the purposes of this subsection any expenditure made under paragraph (b) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1964* shall be deemed to be an expenditure under subparagraph (i) of paragraph (a) of subsection (1) of this section.

Limitations.

4. (1) Subject to this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required by Air Canada for the purposes mentioned in section 3.

Issue of securities.

(2) Amounts provided for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3, other than those required by Air Canada.

Application of amounts available.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed \$50,000,000 and for the purposes of this subsection any securities issued under the *Canadian National Railways Financing and Guarantee Act, 1964*, in respect of the amounts required for capital expenditures under paragraph (b) of subsection (1) of section 3 of that Act, shall be deemed to have been issued under this section.

Maximum amount of securities.

GUARANTEES.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the

Guarantee.

principal and interest of the securities mentioned in section 4 and may approve or decide the form, manner and conditions of such guarantees.

Signature of
guaranteee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive proof for all purposes that the guarantee is valid and that the relative provisions of the Act have been complied with.

LOANS.

Minister may
make loans
to the
National
Company.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Consolidated Revenue Fund of amounts required by Air Canada for the purposes mentioned in section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed \$50,000,000.

Securities
for payment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan.

GENERAL.

Power to
aid other
companies.

7. The National Company may aid and assist, in any manner not inconsistent with section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

(a) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways; and

(b) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon application to the Minister of Finance by the National Company approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application.

Proceeds paid to credit of Minister of Finance in trust.

9. (1) Where, at any time before the 1st day of July, 1967, the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when due, the Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

Minister may place amounts at disposal of Company.

(2) All amounts placed at the disposal of the National Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Reimbursement from annual revenues.

10. (1) Where, at any time before the 1st day of July, 1967, the available revenues of Air Canada are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Air Canada approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of Air Canada such amounts as may be required to enable Air Canada to meet all such charges.

Amounts at disposal of Air Canada.

(2) All amounts placed at the disposal of Air Canada pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Air Canada in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Reimbursement from annual revenues.

11. Notwithstanding anything in section 4 of the *Canadian National Railways Capital Revision Act* or in any instrument in writing delivered by the National Company pursuant thereto, interest shall not be payable by the

Extension of period in respect of which no interest is payable.

National Company on the sum of one hundred million dollars mentioned therein in respect of the further period of two years commencing on the 1st day of January, 1966.

Continuing application of R.S., c. 311, s. 6(1) for additional period.

12. Notwithstanding anything in the *Canadian National Railways Capital Revision Act* or in any other Act, subsection (1) of section 6 of the *Canadian National Railways Capital Revision Act* applies in respect of the 1966 and 1967 fiscal years of the National Company.

Auditors.

13. The firm of Touche, Ross, Bailey and Smart, of the Cities of Toronto and Montreal, Chartered Accountants, is appointed as independent auditors to make a continuous audit of the accounts for the years 1966 and 1967 of National Railways as defined in the *Canadian National Railways Act*.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 68

An Act to amend the Judges Act.

[Assented to 9th February, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (a) of section 19 of the *Judges Act* is repealed and the following substituted therefor:

“(a) One chief judge and eighty-two judges and junior judges of the County and District Courts, each.....\$16,000.00”

(2) Paragraph (e) of section 19 of the said Act is repealed and the following substituted therefor:

“(e) Seventeen judges and junior judges of the County Courts, each.....\$16,000.00”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

R.S., c. 159;
1952-53, c. 4;
1953-54, c. 58;
1955, c. 48;
1956, c. 8;
1957, c. 30;
1958, c. 33;
1959, c. 28;
1960, cc. 46,
47;
1960-61, c. 38;
1962, c. 22;
1963, c. 8;
1964-65,
cc. 14, 36;
1966-67, c. 8.

CHAP. 69

An Act to define and implement a national transportation policy for Canada, to amend the Railway Act and other Acts in consequence thereof and to enact other consequential provisions.

[Assented to 9th February, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. It is hereby declared that an economic, efficient and adequate transportation system making the best use of all available modes of transportation at the lowest total cost is essential to protect the interests of the users of transportation and to maintain the economic well-being and growth of Canada, and that these objectives are most likely to be achieved when all modes of transport are able to compete under conditions ensuring that having due regard to national policy and to legal and constitutional requirements

National
Transportation
Policy.

- (a) regulation of all modes of transport will not be of such a nature as to restrict the ability of any mode of transport to compete freely with any other modes of transport;
- (b) each mode of transport, so far as practicable, bears a fair proportion of the real costs of the resources, facilities and services provided that mode of transport at public expense;
- (c) each mode of transport, so far as practicable, receives compensation for the resources, facilities and services that it is required to provide as an imposed public duty; and
- (d) each mode of transport, so far as practicable, carries traffic to or from any point in Canada under tolls and conditions that do not constitute

- (i) an unfair disadvantage in respect of any such traffic beyond that disadvantage inherent in the location or volume of the traffic, the scale of operation connected therewith or the type of traffic or service involved, or
- (ii) an undue obstacle to the interchange of commodities between points in Canada or unreasonable discouragement to the development of primary or secondary industries or to export trade in or from any region of Canada or to the movement of commodities through Canadian ports;

and this Act is enacted in accordance with and for the attainment of so much of these objectives as fall within the purview of subject matters under the jurisdiction of Parliament relating to transportation.

PART I.

CANADIAN TRANSPORT COMMISSION.

Short Title.

Short
title.

2. This Act may be cited as the *National Transportation Act*.

Interpretation.

Definitions.

"Commis-
sion."

"Commodity
pipeline."

"Minister."

"Motor
vehicle
undertaking."

3. In this Act,
- (a) "Commission" means the Canadian Transport Commission established by this Act;
 - (b) "commodity pipeline" means a pipeline for the transmission of commodities and includes all branches, extensions, pumps, racks, compressors, loading facilities, storage facilities, reservoirs, tanks, interstation system of communication by telephone, telegraph or radio and real or personal, movable or immovable property and works connected therewith, but does not include a pipe line for the transmission solely of oil and gas, or either;
 - (c) "Minister" means the Minister of Transport;
 - (d) "motor vehicle undertaking" means a work or undertaking for the transport of passengers or goods by any vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and capable of use upon a highway; and

- (e) "oil" and "gas" means oil and gas as those "Oil" and "gas" substances are defined in section 2 of the *National Energy Board Act*.

Application.

4. This Act applies to the following modes of Application.
transport:

- (a) transport by railways to which the *Railway Act* applies;
- (b) transport by air to which the *Aeronautics Act* applies;
- (c) transport by water to which the *Transport Act* applies and all other transport by water to which the legislative authority of the Parliament of Canada extends; and
- (d) transport by a commodity pipeline connecting a province with any other or others of the provinces or extending beyond the limits of a province; and
- (e) transport for hire or reward by a motor vehicle undertaking connecting a province with any other or others of the provinces or extending beyond the limits of a province.

5. (1) Except as otherwise expressly provided by this Act, the provisions of the *Railway Act* relating to sittings of the Commission and the disposal of business, witnesses and evidence, practice and procedure, orders and decisions of the Commission and review thereof and appeals therefrom apply in the case of every inquiry, complaint, application or other proceeding under this Act, the *Aeronautics Act* or the *Transport Act* or any other Act of the Parliament of Canada imposing any duty or function on the Commission; and the Commission shall exercise and enjoys the same jurisdiction and authority in matters under any such Acts as are vested in the Commission under the *Railway Act*.

Application
of *Railway*
Act.

(2) For greater certainty and the avoidance of doubt, but without limiting the generality of subsection (1), it is declared that the following provisions of the *Railway Act*, namely sections 12, 13, 18 to 21, 30, 32 to 41 and 43 to 72 apply *mutatis mutandis* in respect of any proceedings before the Commission pursuant to this Act, the *Aeronautics Act* or the *Transport Act*, and in the event of any conflict between those provisions of the *Railway Act* and the provisions of the *Aeronautics Act* or the *Transport Act* those provisions of the *Railway Act* prevail.

Avoidance
of doubt.

Constitution of Commission.

Commission established.	6. (1) There shall be a commission, to be known as the Canadian Transport Commission, consisting of not more than seventeen members appointed by the Governor in Council.
Court of record.	(2) The Commission is a court of record and shall have an official seal which shall be judicially noticed.
Tenure.	(3) Each commissioner holds office during good behaviour for the term of his appointment to the Commission which shall not exceed a period of ten years from the date of his appointment but he may be removed for cause by the Governor in Council at any time.
Retirement age.	(4) Notwithstanding anything in the <i>Public Service Superannuation Act</i> , a commissioner may continue to hold office upon attaining the age of sixty-five years but he ceases to hold office upon reaching the age of seventy years.
Reappointment.	(5) A commissioner on the expiration of his first or subsequent term of office on the Commission is, if not disqualified by age, eligible for reappointment for a period not exceeding ten years.
Remuneration of members.	(6) Each commissioner shall be paid such remuneration for his services as the Governor in Council may from time to time determine.
President and vice-presidents.	7. (1) One of the commissioners shall be appointed by the Governor in Council to be President of the Commission and two commissioners shall be appointed by the Governor in Council to be vice-presidents of the Commission.
Barrister or advocate.	(2) One of the persons appointed to be vice-president shall be a barrister or advocate of at least ten years' standing at the bar of any province of Canada.
Powers of vice-presidents.	(3) The vice-president who qualifies under subsection (2) has all the powers of the President, but those powers shall not be exercised by him except in the absence or disability of the President, and whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the President within the meaning of this section.
Duty of one vice-president.	(4) One of the vice-presidents shall, under the general directions of the Commission, be charged with the superintendence of the programs of study and research necessary to achieve the objectives mentioned in section 1 and to the performance by the Commission of its duties under section 15.
Duty of other vice-president.	(5) The vice-president who qualifies under subsection (2) shall, under the general directions of the

Commission, be charged with the superintendence of the work of the committees of the Commission.

(6) At all proceedings of the Commission the President, when present, shall preside and the vice-president who qualifies under subsection (2), when present, shall preside in the absence of the President; and the opinion of the vice-president who qualifies under subsection (2) upon any question arising that in the opinion of the Commissioners is a question of law shall prevail except that if the President is himself a barrister or advocate of at least ten years' standing at the bar of any province of Canada, the opinion of the President shall prevail upon any such question of law arising when he is presiding.

8. (1) No member or officer of the Commission shall, directly or indirectly, Presiding officer.
Prohibited interests.

(a) have any interest in, or in any undertaking of, any railway company, air transport company, commodity pipeline company, shipping company or motor vehicle undertaking or have any interest in the obligations of any such company or undertaking;

(b) engage in manufacturing or selling aircraft, ships, railway rolling stock, motor trucks, trailers or buses, or pipeline equipment, or in the transport of goods or passengers by any mode of transport for hire or reward; or

(c) have any interest in any device, appliance, machine, patented process or article, or any part thereof that may be required or used as part of the equipment of any railway or rolling stock thereof, aircraft, ship, pipeline, motor truck, trailer or bus, or of any work or undertaking subject to this Act, the *Railway Act*, the *Aeronautics Act* or the *Motor Vehicle Transport Act*.

(2) Where any interest prohibited under subsection (1) vests in any member or officer of the Commission by will or succession for his own benefit, he shall, within three months thereafter, absolutely dispose of such interest. Disposing of interest.

Staff, etc.

9. (1) There shall be a Secretary of the Commission who shall be appointed by the Governor in Council to hold office during pleasure. Secretary.

(2) In the absence of the Secretary from illness or any other cause, the Commission may appoint from its staff an acting secretary, who shall thereupon act in the place of the Secretary and exercise his powers. Acting secretary.

Duties of
Secretary.

- 10.** (1) The Secretary of the Commission shall
- (a) keep a record of all proceedings conducted before the Commission or any committee or commissioner;
 - (b) have the custody and care of all records and documents belonging or appertaining to the Commission or filed in the office of the Secretary;
 - (c) obey all rules and directions that may be made or given by the Commission, or the President, touching his duties or office, and in the event of a conflict of such rules or directions, those made or given by the Commission prevail; and
 - (d) have every regulation and order of the Commission drawn pursuant to the direction of the Commission, duly signed and sealed with the official seal of the Commission and filed in the office of the Secretary.

Record
books.

(2) The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every regulation and order of the Commission, and every other document that the Commission may require to be entered therein, and such entry constitutes and is the original record of any such regulation or order.

Certified
copies.

(3) Upon application of any person, and on payment of such fees as the Commission may prescribe, the Secretary shall deliver to the applicant a certified copy of any regulation or order of the Commission.

Staff of
Commission.

11. (1) Such other officers and employees as are necessary for the proper conduct of the business of the Commission may be appointed in the manner authorized by law.

Staff.

(2) The officers and employees attached to the Commission may be paid out of moneys appropriated by Parliament for the purpose.

Offices
in Ottawa.

12. (1) The Governor in Council shall, upon the recommendation of the Minister, provide within the City of Ottawa, a suitable place in which the meetings of the Commission may be held, and also suitable offices for the commissioners, and for the Secretary, and the other officers and employees of the Commission, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Commission.

Offices
elsewhere
than in
Ottawa.

(2) The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for

the Commission, and may provide therefor the necessary accommodation, furnishings, stationery and equipment.

13. The salaries or other remuneration of all officers and employees of the Commission, and all the expenses of the Commission incidental to the carrying out of its duties and functions, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Commission as may be required by the Commission to travel, necessarily incurred in attending to the duties of their office, shall be paid twice monthly out of moneys provided by Parliament.

Paid
twice
monthly.

Powers and Duties.

14. It is the duty of the Commission to perform the functions vested in the Commission by this Act, the *Railway Act*, the *Aeronautics Act* and the *Transport Act* with the object of co-ordinating and harmonizing the operations of all carriers engaged in transport by railways, water, aircraft, extra-provincial motor vehicle transport and commodity pipelines; and the Commission shall give to this Act, the *Railway Act*, the *Aeronautics Act* and the *Transport Act* such fair interpretation as will best attain that object.

Interpre-
tation of
functions.

15. (1) In addition to its powers, duties and functions under the *Railway Act*, the *Aeronautics Act* and the *Transport Act*, the Commission shall

Duties of
the Com-
mission.

- (a) inquire into and report to the Minister upon measures to assist in a sound economic development of the various modes of transport over which Parliament has jurisdiction;
- (b) undertake studies and research into the economic aspects of all modes of transport within, into or from Canada;
- (c) inquire into and report to the Minister on the relationship between the various modes of transport within, into and from Canada and upon the measures that should be adopted in order to achieve co-ordination in development, regulation and control of the various modes of transport;
- (d) perform, in addition to its duties under this Act, such other duties as may, from time to time, be imposed by law on the Commission in respect of any mode of transport in Canada, including the regulation and licensing of any

- such mode of transport, control over rates and tariffs and the administration of subsidies voted by Parliament for any such mode of transport;
- (e) inquire into and report to the Minister upon possible financial measures required for direct assistance to any mode of transport and the method of administration of any measures that may be approved;
 - (f) inquire into and recommend to the Minister from time to time such economic policies and measures as it considers necessary and desirable relating to the operation of the Canadian merchant marine, commensurate with Canadian maritime needs;
 - (g) establish general economic standards and criteria to be used in the determination of federal investment in equipment and facilities as between various modes of transport and within individual modes of transport and in the determination of desirable financial returns therefrom;
 - (h) inquire into and advise the government on the overall balance between expenditure programs of government departments or agencies for the provision of transport facilities and equipment in various modes of transport, and on measures to develop revenue from the use of transport facilities provided or operated by any government department or agency; and
 - (i) participate in the economic aspects of the work of intergovernmental, national or international organizations dealing with any form of transport under the jurisdiction of Parliament, and investigate, examine and report on the economic effects and requirements resulting from participation in or ratification of international agreements.

Powers in
relation to
shipping.

(2) The Commission may examine into, ascertain and keep records of, and make appropriate reports to the Minister on,

- (a) the shipping services between Canadian ports and from ports in Canada to ports outside Canada that are required for the proper maintenance and furtherance of the domestic and external trade of Canada;
- (b) the type, size, speed and other requirements of the vessels that are and in the opinion of the Commission should be employed in such services;

- (c) the cost of marine insurance, maintenance and repairs, and wages and subsistence of officers and crews and all other items of expense in the operation of vessels under Canadian registry and the comparison thereof with similar vessels operated under other registry;
- (d) the water transportation industry and undertakings and services directly related thereto;
- (e) the terms, conditions and usages applying to transportation of goods and passengers by water within, into and from Canada;
- (f) the work of international and intergovernmental organizations and agencies that concern themselves with the transportation of goods and passengers by water; and
- (g) such other marine matters as the Minister may request or as the Commission may deem necessary for carrying out any of the provisions or purposes of this Act.

(3) The Commission shall

Idem.

- (a) exercise and perform on behalf of the Minister such powers, duties or functions of the Minister under the *Canada Shipping Act* as the Minister may require; and
- (b) exercise and perform any other powers, duties or functions in relation to water transport conferred on or required to be performed by the Commission by or pursuant to any other Act or any order of the Governor in Council.

(4) In carrying out its duties and functions under this section, the Commission may consult with persons, organizations and authorities that in the opinion of the Commission are in a position to assist the Commission in formulating and recommending policy and the Commission may appoint and consult with committees being representative of such persons, organizations and authorities.

Consultation.

(5) The Commission may delegate, in whole or in part, to any other body or authority subject to the legislative authority of the Parliament of Canada any of the powers or duties of the Commission in respect of safety in the operation of commodity pipelines and such delegated body or authority may exercise and shall perform the powers or duties so delegated.

Delegation and examinations.

(6) Where a person who transports goods by a mode of transport other than rail charges a toll, expressed as a single sum, for the carriage of traffic partly by one mode of transport and partly by a different mode of transport, the Commission, for the purpose of determining whether a toll charged is contrary to any Act of the Parliament of

Apportionment of toll.

Canada, may require such person to declare forthwith to the Commission, or may determine, what portion of such single sum is charged in respect of the carriage of traffic by the mode of transport by which such person transports goods.

Definitions.
"carrier".

16. (1) In this section,

(a) the expression "carrier" means any person engaged for hire or reward in transport, to which the legislative authority of the Parliament of Canada extends, by railway, water, aircraft, motor vehicle undertaking or commodity pipeline; and

"Public interest".

(b) the expression "public interest" includes, without limiting the generality thereof, the public interest as described in section 1.

Special
appeal and
investigation.

(2) Where a person has reason to believe

(a) that any act or omission of a carrier or of any two or more carriers, or

(b) that the effect of any rate established by a carrier or carriers pursuant to this Act or the *Railway Act* after the commencement of this Act,

may prejudicially affect the public interest in respect of tolls for or conditions of the carriage of traffic within, into or from Canada, such person may apply to the Commission for leave to appeal the act, omission or rate, and the Commission shall, if it is satisfied that a *prima facie* case has been made, make such investigation of the act, omission or rate and the effect thereof, as in its opinion is warranted.

Matters
to be
considered.

(3) In conducting an investigation under this section, the Commission shall have regard to all considerations that appear to it to be relevant, including, without limiting the generality of the foregoing,

(a) whether the tolls or conditions specified for the carriage of traffic under the rate so established are such as to create

(i) an unfair disadvantage beyond any disadvantage that may be deemed to be inherent in the location or volume of the traffic, the scale of operation connected therewith or the type of traffic or service involved, or

(ii) an undue obstacle to the interchange of commodities between points in Canada or an unreasonable discouragement to the development of primary or secondary industries or to export trade in or from any

region of Canada or to the movement of commodities through Canadian ports; or

- (b) whether control by, or the interests of a carrier in, another form of transportation service, or control of a carrier by, or the interest in the carrier of, a company or person engaged in another form of transportation service may be involved.

(4) If the Commission, after a hearing, finds that the act, omission or rate in respect of which the appeal is made is prejudicial to the public interest, the Commission may, notwithstanding the fixing of any rate pursuant to section 336 of the *Railway Act* but having regard to section 334 of that Act, make an order requiring the carrier to remove the prejudicial feature in the relevant tolls or conditions specified for the carriage of traffic or such other order as in the circumstances it may consider proper, or it may report thereon to the Governor in Council for any action that is considered appropriate.

Directing
order.

17. (1) For the purposes of performing its duties under this Act the Commission shall establish the following committees consisting of not less than three commissioners, exclusive of the President who shall be *ex officio* a member of every such committee:

Committees.

- (a) railway transport committee;
- (b) air transport committee;
- (c) water transport committee;
- (d) motor vehicle transport committee;
- (e) commodity pipeline transport committee; and
- (f) such other committees as the Commission deems expedient.

(2) In respect of each such committee the Commission shall appoint a commissioner to be chairman of the committee who shall be the chief executive officer of the committee and shall in the absence or disability of both the President and the vice-president who qualifies under subsection (2) of section 7 preside at all sittings of the committee and exercise all the powers of the President.

Chairmen of
committees.

(3) Notwithstanding anything in the *Railway Act* or the *National Energy Board Act* governing matters before the Commission, a committee of the Commission may, in accordance with the rules and regulations of the Commission, exercise all the powers and duties of the Commission and the orders, rules or directions made or issued by a committee of the Commission have effect, subject to subsection (4), as though they were made or issued by the Commission.

Effect of
committee
action.

When
review
required.

(4) Where an order, rule or direction made by a committee of the Commission in respect of a matter related to a particular mode of transport, not being a matter of a specific rate, licence or certificate, is objected to by an operator of another mode of transport on the ground that the order, rule or direction discriminates against or is otherwise unfair to his operations, the Commission shall, otherwise than by that committee of the Commission, review the order, rule or direction, in accordance with such rules of procedure as the Commission may prescribe therefor, and shall confirm, rescind, change, alter or vary the order, rule or direction or rehear the matter thereof.

Appearance
of other
interests in
Canada.

(5) At any hearing of the Commission for the purpose of making any order or giving any direction, leave, sanction or approval in respect of any matter under the jurisdiction of the Commission, the Commission may, notwithstanding any provision of the *Railway Act*, the *Aeronautics Act*, the *Transport Act*, the *National Energy Board Act* or this Act, permit the representative or agent of any provincial or municipal government or any association or other body representing the interests of shippers or consignees in Canada to appear and be heard before the Commission subject to such rules of procedure as the Commission may prescribe.

Member
presiding.

(6) Notwithstanding anything in this section, the President and the vice-president who qualifies under subsection (2) of section 7 shall not both sit on any hearing before a committee of the Commission.

Appeal.

18. (1) An applicant, or an intervener on an application to the Commission, for

- (a) a licence under the *Aeronautics Act* to operate a commercial air service,
- (b) a licence under this Act to operate a motor vehicle undertaking,
- (c) a licence under the *Transport Act* to engage in transport by water, or
- (d) a certificate of public convenience and necessity under this Act in respect of a commodity pipeline

may appeal to the Minister from a final decision of the Commission with respect to the application, and the Minister shall thereupon certify his opinion to the Commission and the Commission shall comply therewith.

Idem.

(2) Where pursuant to any power vested in the Commission by this or any other Act of the Parliament of Canada the Commission suspends, cancels or amends any licence to operate any transportation service or any certificate of public convenience and necessity in respect

of a transportation service, the carrier whose licence or certificate has been suspended, cancelled or amended may appeal to the Minister, and the Minister shall thereupon certify his opinion to the Commission and the Commission shall comply therewith.

(3) An appeal to the Minister under this section shall be brought within thirty days of the date of the decision, ruling or order appealed from or within such longer period as the Minister may allow. Time for appeal.

(4) The Commission may make rules prescribing the manner in which appeals to the Minister may be made. Rules.

19. (1) Without affecting its powers under any other Act to make regulations, the Commission may make rules and regulations for the attainment of the objects of this Act and in particular, but without limiting the generality of the foregoing, may make rules and regulations Regulations.

(a) respecting the manner in which any committees of the Commission shall perform their functions and the duties and functions to be performed by the committees of the Commission;

(b) respecting the manner in which the various functions of the committees of the Commission are to be co-ordinated;

(c) respecting the proceedings of the Commission and its committees in the performance of duties under this Act; and

(d) respecting the assignment of duties to officers of the Commission and the delegation of functions thereto.

(2) Where there is a conflict between any regulations made by the Commission under this Act in respect of a particular mode of transport and any regulations made under any other Act in respect of that particular mode of transport, the regulations made under this Act prevail. Conflict of powers.

20. (1) A railway company, commodity pipeline company, company engaged in water transportation, or person operating a motor vehicle undertaking or an air carrier, to which the legislative jurisdiction of the Parliament of Canada extends, that proposes to acquire, directly or indirectly, an interest, by purchase, lease, merger, consolidation or otherwise, in the business or undertaking of any person whose principal business is transportation, whether or not such business or undertaking is subject to the jurisdiction of Parliament, shall give notice of the proposed acquisition to the Commission. Notice of proposed acquisition.

Publication. (2) The Commission shall give or cause to be given such public or other notice of any proposed acquisition referred to in subsection (1) as to it appears to be reasonable in the circumstances, including notice to the Director of Investigation and Research under the *Combines Investigation Act*.

Objection. (3) Any person affected by a proposed acquisition referred to in subsection (1) or any association or other body representing carriers or transportation undertakings affected by such acquisition may, within such time as may be prescribed by the Commission, object to the Commission against such acquisition on the grounds that it will unduly restrict competition or otherwise be prejudicial to the public interest.

Investigation by Commission. (4) Where objection is made pursuant to subsection (3), the Commission

- (a) shall make such investigation, including the holding of public hearings, as in its opinion is necessary or desirable in the public interest;
- (b) may disallow any such acquisition if in the opinion of the Commission such acquisition will unduly restrict competition or otherwise be prejudicial to the public interest;

and any such acquisition, to which objection is made within the time limited therefor by the Commission that is disallowed by the Commission, is void.

Construction. (5) Nothing in this section shall be construed to authorize any acquisition of an interest in any other company that is prohibited by any Act of the Parliament of Canada.

Annual report to Governor in Council.

21. (1) The Commission shall, within two months after the 31st day of December in each year, make to the Governor in Council through the Minister, an annual report for the year to the 31st day of December, showing briefly,

- (a) applications to the Commission and summaries of the findings thereon;
- (b) summaries of the findings of the Commission in regard to any matter or thing respecting which the Commission has acted of its own motion, or upon the request of the Minister; and
- (c) such other matters as appear to the Commission to be of public interest in connection with the persons, companies and modes of transport to which this Act applies.

Tabling report.

(2) The Minister shall, on or before the 30th day of March next following the making of the report to the Governor in Council or, if Parliament is not then

sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament the report referred to in subsection (1).

PART II.

COMMODITY PIPELINES.

- 22.** In this Part,
- | | |
|--|--|
| (a) "combined pipeline" means a commodity pipeline through which oil and gas, or either, can be moved; | Definitions.
"Combined pipeline." |
| (b) "company" or "commodity pipeline company" means a person | "Company" or "commodity pipeline company." |
| (i) named in an Act of the Parliament of Canada and having authority under that Act to construct or operate a commodity pipeline, or | |
| (ii) authorized by an Act of the Parliament of Canada to construct or operate a commodity pipeline with respect to which such Act has special reference; and | |
| (c) "certificate" means a certificate of public convenience and necessity issued under section 25. | "Certificate." |

- 23.** (1) No person, other than a company, shall construct or operate a commodity pipeline to which this Act applies.
- (2) Nothing in this section shall be construed to prohibit or prevent any person from operating or improving a commodity pipeline constructed before the commencement of this Act but every commodity pipeline shall be operated in accordance with this Part.
- (3) Notwithstanding subsection (1), for the purposes of this Part,
- | | |
|--|---|
| (a) a liquidator, receiver or manager of the property of a commodity pipeline company appointed by a court of competent jurisdiction to carry on the business of the company, or | Construction and operation of commodity pipeline.
Exception. |
| (b) a trustee for the holders of bonds, debentures, debenture stock or other evidences of indebtedness of a commodity pipeline company, issued under a trust deed or other instrument and secured on or against the property of the company, if the trustee is authorized by the trust deed or other instrument to carry on the business of the company, | Powers of liquidators, etc. |

may construct and operate the commodity pipeline of such company.

Operating
line.

24. (1) Subject to subsection (2), no company shall operate a commodity pipeline unless there is a certificate in force with respect to that pipeline.

Exception.

(2) Subsection (1) does not apply to a company that is operating a commodity pipeline upon the coming into force of this Part unless such company fails to apply to the Commission, within six months thereafter, for the issuance of a certificate under this Act.

Certificate
for operating
line.

(3) The Commission shall, upon the application of a company referred to in subsection (2), and without a hearing, issue a certificate containing appropriate terms and conditions if the application is made to the Commission within the time limited by subsection (2).

Issue of
certificates.

25. (1) Subject to subsection (3) of section 24 and subsection (3) of this section, the Commission may issue a certificate in respect of a commodity pipeline if the Commission is satisfied that the pipeline is and will be required by reason of the present and future public convenience and necessity, and, in considering an application for a certificate, the Commission shall take into account such matters as to it appear to be relevant including, without limiting the generality of the foregoing, the following:

- (a) the economic feasibility of the pipeline;
- (b) the financial responsibility and financial structure of the applicant, the methods of financing the pipeline and the extent to which Canadians will have an opportunity of participating in the financing, engineering and construction of the pipeline; and
- (c) any public interest that in the opinion of the Commission may be affected by the granting or refusing of the application.

Conditions.

(2) Every certificate issued pursuant to this section is subject to the condition that the provisions of this Part and the regulations in force at the date of issue thereof and as subsequently enacted, made or amended, as well as every order made under the authority of this Part, will be complied with.

Certificate
for
combined
pipeline.

(3) When an application for a certificate under this Part is made in respect of a combined pipeline,

- (a) the application shall, in accordance with such rules as the Governor in Council may make in that behalf, be heard together by the Commission and the National Energy Board, and a joint report on the application shall be made

to the Governor in Council by the Commission and the National Energy Board; and

- (b) the certificate may only be issued with the approval of the Governor in Council and the provisions of section 18 do not apply in respect thereof.

26. (1) A company operating a commodity pipeline, other than a combined pipeline, shall not charge any tolls except tolls specified in a tariff that has been filed with the Commission and is in effect. Tolls and tariffs.

(2) A company operating a combined pipeline shall not charge tolls except tolls specified in a tariff that has been approved by and filed with both the Commission and the National Energy Board and is in effect; and the provisions of sections 50 to 59 of the *National Energy Board Act* apply *mutatis mutandis* to and in respect of the carriage by the combined pipeline of any commodity and as if the Commission were referred to in those provisions instead of the National Energy Board. Combined pipelines.

(3) Subject to subsection (2), the Commission may make orders with respect to all matters relating to traffic, tolls or tariffs of a commodity pipeline company, and may disallow any tariff of tolls, or any portion thereof, Tariffs.

- (a) that the Commission considers to be not compensatory and not justified by the public interest; or

- (b) where there is no alternative, effective and competitive service by a common carrier other than another commodity pipeline or combination of commodity pipeline carriers, that the Commission considers to be a tariff that unduly takes advantage of a monopoly situation favouring commodity pipeline carriers;

and may require the commodity pipeline company, within a prescribed time, to substitute a tariff of tolls satisfactory to the Commission in lieu thereof, or the Commission may prescribe other tariffs in lieu of the tariff or portion thereof so disallowed.

27. (1) The Commission has and shall exercise in respect of a commodity pipeline company and its works and undertakings the like jurisdiction, duties and powers as are vested in or exercisable by the National Energy Board under Parts III and V of the *National Energy Board Act* in respect of pipelines under the jurisdiction of that Board; and to the extent that they are not inconsistent with this Part of this Act, sections 26 to 39, sections 57, 58 and 59 and Part V of the *National Energy Board Act* apply Application of
of
National
Energy
Board Act.

mutatis mutandis to and in respect of a commodity pipeline company and its works and undertakings and as if the Commission were referred to in those provisions instead of the National Energy Board.

Combined
pipeline.

(2) Where

- (a) a combined pipeline had been operated as an oil or gas pipeline prior to the issue of a certificate under this Act in respect thereof, or
- (b) the quantities of oil and gas, or either, being moved by a combined pipeline in relation to the quantities of other commodities so moved are such as would, in the opinion of the Governor in Council, indicate that the pipeline is being operated as an oil or gas pipeline rather than a commodity pipeline,

the Governor in Council may, by order, transfer the combined pipeline to the jurisdiction of the National Energy Board and during any period in which the order is in force, the *National Energy Board Act* applies *mutatis mutandis* to and in respect of the combined pipeline, and the certificate in respect thereof issued under this Act shall be deemed to have been issued under that Act in respect of the pipeline.

Revoking
order.

(3) An order made under subsection (2) may be revoked by the Governor in Council at any time on the recommendation of the Commission.

Carriage of
com-
modities.

(4) The Commission may, with the approval of the Governor in Council, by order, upon such terms and conditions as it considers advisable, require a company operating a commodity pipeline, according to its powers, without delay and with due care and diligence, to receive, transport and deliver through its pipeline any substance capable of being transmitted therein.

Regula-
tions.

(5) The Commission may, in like manner, make like regulations in respect of commodity pipelines as the National Energy Board may make under section 88 of the *National Energy Board Act*.

Penalty.

(6) Every person who violates a regulation made under subsection (5) is guilty of an offence punishable on summary conviction.

Exemption.

28. (1) Where it appears to be in the public interest to do so, the Commission may, with the approval of the Governor in Council, make an order or orders exempting a commodity pipeline, or any part or parts thereof, from all or any of the provisions of this Act.

Terms and
conditions.

(2) In any order made under this section, the Commission may impose such terms and conditions as it considers advisable.

PART III.

EXTRA-PROVINCIAL MOTOR VEHICLE TRANSPORT.

29. While the *Motor Vehicle Transport Act* is in force and notwithstanding section 4 of this Act, this Part applies only to such motor vehicle undertaking or such part thereof as is exempted from the provisions of the *Motor Vehicle Transport Act* under section 5 thereof; and in this Part the expression "motor vehicle undertaking to which this Part applies" means, in relation to a part of a motor vehicle undertaking so exempted from the provisions of that Act, the part thereof so exempted.

Application
of Part.

30. Where a motor vehicle undertaking was in operation immediately before this Part became applicable thereto, the person operating the motor vehicle undertaking is entitled to, and the Commission shall issue to him on his application made within six months from the day that this Part became applicable to the undertaking, a licence under this Part in respect thereof on the same conditions respecting schedules, routes, places of call, carriage of passengers and goods, and insurance, herein referred to as the "operative conditions", as were operative in respect of such motor vehicle undertaking immediately before this Part became applicable thereto, but the Commission may insert in the licence such additional conditions, not affecting the operative conditions or relating to the ownership or control of the undertaking, as the Commission deems necessary in the public interest.

Saving.

31. (1) Subject to this Part, the Commission may issue to any person applying therefor a licence to operate a motor vehicle undertaking to which this Part applies.

Licences.

(2) The Commission shall not issue any such licence unless it is satisfied that the proposed motor vehicle undertaking is and will be required by the present and future public convenience and necessity.

Only in
case of
public
convenience
and necessity.

(3) The Commission may exempt from the operation of the whole or any part of subsection (2), any motor vehicle undertaking or any class or group thereof, or the operator thereof, either generally or for a limited period or in respect of a limited area, if in the opinion of the Commission such exemption is in the public interest.

Exemption.

(4) In issuing any licence, the Commission may prescribe the routes that may be followed or the areas to be served and may attach to the licence such conditions as the Commission may consider necessary or desirable in the public interest, and, without limiting the generality of the

Routes and
conditions.

foregoing, the Commission may impose conditions respecting schedules, places of call, carriage of passengers and freight and insurance.

Suspension,
cancellation
or amend-
ment.

(5) The Commission may issue a licence that differs from the licence applied for and may suspend, cancel or amend any licence or any part thereof where, in the opinion of the Commission, the public convenience and necessity so requires.

Cancellation
or suspension
of licence.

(6) Where in the opinion of the Commission, the operator of a motor vehicle undertaking has violated any of the conditions attached to his licence, the Commission may cancel or suspend the licence.

No
operation
without
licence.

32.

(1) Subject to subsection (2), no person shall operate a motor vehicle undertaking to which this Part applies unless he holds a valid and subsisting licence issued under this Part.

Exception.

(2) Subsection (1) does not apply to a person who was operating a motor vehicle undertaking immediately before this Part became applicable thereto unless such person fails to apply to the Commission within six months thereafter for the issuance of a licence under this Part.

Operating
contrary to
conditions
of licence.

(3) No person shall operate a motor vehicle undertaking to which this Part applies contrary to any of the conditions of the licence issued in respect thereof under this Part.

Unlawful
rebates or
concessions.

(4) No person shall offer, grant or give, or solicit, accept or receive any rebate, concession or discrimination, in respect of the transportation of any traffic by a motor vehicle undertaking to which this Part applies, whereby any such traffic is, by any device whatsoever, transported at a rate less than that named in the tariffs then in force.

Penalty.

(5) Every person who violates a provision of this section is guilty of an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Tolls and
tariffs.

33. (1) A person operating a motor vehicle undertaking to which this Part applies shall not charge any tolls except tolls specified in a tariff that has been filed with the Commission and is in effect.

Filing
through
tariff
bureau.

(2) Where the person operating a motor vehicle undertaking to which this Part applies is a member of an association representing persons carrying on like operations, the association may, in accordance with such regulations as the Commission may make in that regard, prepare and file with the Commission a tariff of tolls on behalf of such person.

(3) The Commission may make orders with respect to all matters relating to traffic, tolls and tariffs of a motor vehicle undertaking to which this Part applies, and may disallow any tariff of tolls, or any portion thereof,

Tariffs
contrary to
national
transporta-
tion policy.

- (a) that the Commission considers to be not compensatory and not justified by the public interest; or
- (b) where there is no alternative, effective and competitive service by a common carrier other than another motor vehicle carrier or a combination of motor vehicle carriers, that the Commission considers to be a tariff that unduly takes advantage of a monopoly situation favouring motor vehicle carriers;

and may require the person operating the motor vehicle undertaking to substitute a tariff of tolls satisfactory to the Commission in lieu thereof, or the Commission may prescribe other tariffs in lieu of the tariff or portion thereof so disallowed.

34. Notwithstanding any previous contract or commitment or any other general or special Act or provision, no person operating a motor vehicle undertaking to which this Part applies shall issue free or reduced rate transportation except with the approval in writing of the Commission and under such terms, conditions and forms as the Commission may direct.

Free and
reduced rate
transporta-
tion.

35. The Commission may make regulations

Regulations.

- (a) establishing the classification and form of licences to be issued under this Part, the terms upon which and the manner in which they shall be issued and renewed, the conditions and restrictions to which they will be subject and the issue of duplicate licences;
- (b) prescribing the terms and conditions to which licences issued under this Part shall be subject;
- (c) respecting the safety, protection, comfort and convenience of the persons availing themselves of the services of a motor vehicle undertaking;
- (d) respecting temporary permits authorizing seasonal, emergency or occasional operation of motor vehicles of a motor vehicle undertaking;
- (e) prescribing forms of accounts and records to be kept by operators of motor vehicle undertakings, and providing for access by the Commission to such records;
- (f) requiring the operators of motor vehicle undertakings to file with the Commission returns

- with respect to their assets, liabilities, capitalization, revenues, expenditures, equipment, traffic and employees and any other matters relating to the operation of the undertaking;
- (g) requiring any person to furnish information respecting control, ownership, transfer, consolidation, merger or lease or any proposed control, transfer, consolidation, merger or lease of a motor vehicle undertaking;
 - (h) requiring copies of agreements respecting any such transfer, consolidation, merger or lease, copies of contracts and proposed contracts and copies of agreements affecting services to be filed with the Commission;
 - (i) excluding from the operation of the whole or any portion of this Part or any regulation, order or direction made or issued pursuant thereto, any motor vehicle undertaking or class or group of motor vehicle undertakings;
 - (j) prescribing fees for licences issued under this Part and requiring applicants for such licences to furnish information respecting their financial position, their relation to other common carriers, the nature of the proposed routes, the proposed tariffs of tolls and such other matters as the Commission may consider advisable;
 - (k) providing for uniform bills of lading and other documentation;
 - (l) governing the filing of bonds and certificates of insurance;
 - (m) establishing classifications or groups of motor vehicle undertakings;
 - (n) prohibiting the transfer, consolidation, merger or lease of motor vehicle undertakings except subject to such conditions as may be prescribed by such regulations;
 - (o) prescribing penalties, enforceable on summary conviction, for
 - (i) contravention of or failure to comply with any regulations or any direction or order made by the Commission pursuant to this Act or such regulations,
 - (ii) making any false statement or furnishing false information to, or for the use or information of, the Commission, or
 - (iii) making any false statement or furnishing false information when required to make a statement or furnish information pursuant

to any regulation, direction or order of the Commission,

but such penalties shall not exceed a fine of one thousand dollars or imprisonment for a term of twelve months, or both fine and imprisonment;

- (p) respecting safety and the prevention of injury in the operations of any motor vehicle undertaking and prescribing standards of safety therefor;
- (q) designating persons as examiners to carry out investigations on behalf of the Commission in respect of matters related to the operations of motor vehicle undertakings and providing for the making of reports thereon and for other matters deemed necessary in connection with such investigations; and
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

PART IV.

BRIDGES.

36. (1) Paragraph (a) of section 2 of the *Bridges Act*, hereinafter referred to in this Part as the "said Act", is repealed. R.S., c. 20.

(2) The said Act is further amended by substituting in sections 4, 5, 7, subsection (1) of section 8, sections 13, 16, 17, 18, 20, 22 and 23, a reference to the Minister of Public Works wherever in those sections the Board of Transport Commissioners for Canada is referred to.

37. (1) Subsection (2) of section 8 of the said Act is repealed and the following substituted therefor:

"(2) The company to which such bridge belongs, or the company using or controlling the bridge, in case the bridge is in use or controlled by some other company, shall thereupon, upon notice from the Minister of Public Works, of any defect or insufficiency in such bridge or any portion thereof so reported, or of any requirement of the Minister under subsection (1), proceed to make good or remedy any such defect or insufficiency, and make the change, alteration, substitution or use of material specified as a requirement in such notice."

Changes or
alterations.

(2) Section 11 of the said Act is repealed and the following substituted therefor:

Evidence of
authority.

"11. The production of instructions in writing signed by the Minister of Public Works is sufficient evidence of the authority of an inspecting engineer."

(3) Section 15 of the said Act is repealed and the following substituted therefor:

How orders
notified.

"15. Every company shall be deemed to have received sufficient information of any order of the Minister of Public Works, if a notice thereof, signed by the Minister, is delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company; and every such company shall be deemed to have received sufficient information of any order of the inspecting engineer, if a notice thereof, signed by the engineer, is delivered as hereinbefore provided."

PART V.

RAILWAYS, TELEGRAPHS AND TELEPHONES.

R.S., c. 234;
1955, cc. 41,
55;
1958, c. 40;
1960, c. 35;
1960-61, c. 54.

38. Section 42 of the *Railway Act*, hereinafter in this Part referred to as the "said Act", is repealed and the following substituted therefor:

Tolls on
international
bridges.

"42. (1) Notwithstanding anything in any special Act passed before the 14th day of June, 1929, the Commission has jurisdiction and control over tolls to be charged in respect of the use for pedestrian, vehicular, tramway, street railway, railway or other like traffic on, over, across or through any international bridge owned or operated by any company, and all the provisions of this Act relating to telegraph and telephone tolls and tariffs, in so far as the Commission deems them applicable, extend and apply to tolls charged in respect of such international bridge traffic except that subsection (2) of section 380 does not apply in respect of such tolls.

Authorizing
by-laws to
be submitted
to the Com-
mission.

(2) Any by-law of, or of the directors of, a company owning or operating an international bridge that relates to any tariffs or tolls to be charged by the company in respect of the international bridge shall be submitted to the Commission, and no tolls shall be charged pursuant to any such by-law in respect of the use for pedestrian, vehicular, tramway, street

railway, railway or other like traffic on, over, across or through the international bridge owned or operated by the company until such by-law has been submitted to the Commission.

(3) For the purposes of this section, "international bridge" means a bridge or tunnel, (including the approaches or facilities connected therewith) over or under any waterway being or running along or across the boundary between Canada and any foreign country."

"International bridge" defined.

39. Subsection (1) of section 156 of the said Act is repealed and the following substituted therefor:

"**156.** (1) The directors of the company may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other transportation company operating as a common carrier either in Canada or elsewhere, for the interchange of traffic and for the division and apportionment of tolls in respect of such traffic."

Directors may make traffic agreements.

40. Subsection (6) of section 170 is repealed and the following substituted therefor:

"(6) The provisions of this section only apply to the main line, and to branch lines over twenty miles in length."

Application of section.

41. Section 183 of the said Act is repealed and the following substituted therefor:

"**183.** The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case twenty miles in length, from the main line of the railway or, except as hereinafter provided, from any branch thereof."

Power to construct.

42. The said Act is further amended by adding thereto, immediately after section 314 thereof, the following headings and sections:

**"ABANDONMENT AND RATIONALIZATION
OF LINES OR OPERATIONS.**

Uneconomic Branch Lines.

314A. In this section and sections 314B to 314G,
(a) "actual loss", in relation to any branch line means the excess of

Definitions.
"Actual loss."

- (i) the costs incurred by the company in any financial year thereof in the operation of the line and in the movement of traffic originating or terminating on the line,

over

- (ii) the revenues of the company for that year from the operation of the line and from the movement of traffic originating or terminating on the line;

"Branch line".

- (b) "branch line" means a line of railway in Canada of a railway company that is subject to the jurisdiction of Parliament that, relative to a main line within the company's railway system in Canada of which it forms a part, is a subsidiary, secondary, local or feeder line of railway, and includes a part of any such subsidiary, secondary, local or feeder line of railway.

Regulating applications.

314B. (1) The Commission may, where it deems it necessary to do so, make rules for the handling of applications for the abandonment of branch lines and may by such rules prescribe the periods during which applications shall be filed with and heard by the Commission in respect of any particular branch line or groups of branch lines.

Application for abandonment.

(2) If a company desires to abandon the operation of a branch line, the company shall file an application to abandon the operation of that line with the Commission in accordance with any rules that may have been made by the Commission pursuant to subsection (1); and the Commission shall cause such public notice of the application to be given in the area served by the branch line as the Commission deems reasonable.

Statement of cost and revenues and public notice.

(3) Concurrently with the filing of its application to abandon the operation of a branch line the company shall also submit to the Commission a statement of the costs and revenues of the company attributable to the line in each of such number of consecutive financial years of the company as the Commission may prescribe (hereinafter in this section and section 314c referred to as the "prescribed accounting years"); and the company shall forthwith thereafter post, in each station on the line in accordance with any regulation of the Commission in that behalf, a notice of the application to abandon the operation of the line.

Verification by Commission.

(4) If the Commission is satisfied that the application to abandon the operation of a branch line

has been filed in accordance with the rules and regulations of the Commission, the Commission shall, after investigation, and whether or not it has afforded the company an opportunity to make further submissions, review the statement of costs and revenues referred to in subsection (3), together with all other documents, facts and figures that in its opinion are relevant, and shall prepare a report setting out the amounts, if any, that in its opinion constitute the actual loss of the branch line in each of the prescribed accounting years, and the Commission shall cause such public notice of the principal conclusions of the report to be given in the area served by the branch line as the Commission deems reasonable.

314c. (1) If the Commission finds that in its opinion the company, in the operation of the branch line with respect to which an application for the abandonment of its operation was made, has incurred actual loss in one or more of the prescribed accounting years including the last year thereof, the Commission shall, after such hearings, if any, as are required in its opinion to enable all persons who wish to do so to present their views on the abandonment of the branch line and having regard to all matters that to it appear relevant, determine whether the branch line is uneconomic and is likely to continue to be uneconomic and whether the line should be abandoned; but if the Commission finds that in its opinion the company has incurred no actual loss in the operation of such line in the last year of the prescribed accounting years, it shall reject the application for the abandonment of the operation of the line without prejudice to any application that may subsequently be made for abandonment of the operation of that line.

Action on application after verification of costs and revenues by Commission.

(2) In carrying out the provisions of this section, the Commission

Grouping of applications.

- (a) may consider together as a group, on dates fixed therefor by the Commission, all applications for abandonment of branch lines that are situated in the same area or adjoining areas as determined by the Commission;
- (b) may require any company that operates one or more branch lines in an area, as determined by the Commission, in which there is located at least one branch line with respect to which an application for abandonment of its operation has been filed with the Commission, to furnish to the Commission for such of its branch lines

in the area as the Commission may specify, figures, for such a number of years and in such form as may be specified by the Commission, of the traffic moving over the lines whether originating or terminating at or moving between points on the lines, and all such figures, with the exception of those pertaining to branch lines for which applications for abandonment of operation have been filed with the Commission, shall be treated by the Commission as confidential; and

- (c) may require any company, if it has filed applications for abandonment of the operation of more than one branch line with the Commission, to specify the order in which it desires the Commission to consider such applications; but nothing in this paragraph limits the power of the Commission to consider applications from any company in any order that the Commission considers expedient or desirable.

(3) In determining whether an uneconomic branch line or any segment thereof should be abandoned, the Commission shall consider all matters that in its opinion are relevant to the public interest including, without limiting the generality of the foregoing,

- (a) the actual losses that are incurred in the operation of the branch line;
- (b) the alternative transportation facilities available or likely to be available to the area served by the branch line;
- (c) the period of time reasonably required for the purpose of adjusting any facilities, wholly or in part dependent on the services provided by the branch line, with the least disruption to the economy of the area served by the line;
- (d) the probable effect on other lines or other carriers of the abandonment of the operation of the branch line or the abandonment of the operation of any segments of the branch line at different dates;
- (e) the economic effects of the abandonment of the operation of the branch line on the communities and areas served by the branch line;
- (f) the feasibility of maintaining the branch line or any segment thereof as an operating line by changes in the method of operation or by interconnection with other lines of the company;

Matters to
be considered
by Com-
mission.

- (g) the feasibility of maintaining the branch line or any segment thereof as an operating line either jointly with or as part of the system of another railway company by the sale or lease of the line or segments thereof to another railway company or by the exchange of operating or running rights between companies or otherwise, including, where necessary, the construction of connecting lines with the lines of other companies, and
- (h) the existing or potential resources of the area served by the branch line, seasonal restrictions on other forms of transportation therein and the probable future transportation needs of the area.

(4) If the Commission determines that the operation of an uneconomic branch line or segments thereof should be abandoned, the Commission shall by order fix such dates for the abandonment of the operation of the line or segments thereof as to the Commission appear to be in the public interest; but an abandonment date shall be

Date of
abandon-
ment.

- (a) not earlier than thirty days from the date of the order; and
- (b) not later than five years from the date of the order.

(5) If the Commission determines that the operation of an uneconomic branch line or segment thereof should not be abandoned, the Commission shall so order and thereafter shall reconsider the application for abandonment at intervals not exceeding five years from the date of the original application or last consideration thereof, as the case may be, for the purpose of determining whether the operation of the line should be abandoned; and

Continuing
operation of
uneconomic
branch line
subject to
review.]

- (a) if the Commission finds that the branch line or a segment thereof has, since the last consideration, become an economic line of railway, it shall reject the application for the abandonment of the line but without prejudice to any application that may subsequently be made for the abandonment of the operation of the line; or
- (b) if the Commission finds that the branch line or a segment thereof continues to be an uneconomic line of railway, it shall determine whether the operation of the line or segment thereof should be abandoned as provided in

subsection (4) or continued as provided by this subsection.

Posting of
order or
direction of
the Com-
mission.

(6) The company shall post in each station on the branch line to be abandoned under this section and keep so posted for such period as may be prescribed by the Commission a notice of any order or direction under subsection (4) or (5) made in respect of that line.

Abandonmen
of line.

(7) Where any dates have been fixed by the Commission for the abandonment of the operation of a branch line or segments thereof, the company shall cease the operation of the line and each segment thereof on the date fixed therefor by the Commission unless before any such date the date is extended or the order fixing the date is rescinded by the Commission under subsection (8).

Extending
date or
rescinding
order.

- (8) The Commission may
- (a) on its own motion or upon the application of any person extend the date upon which a branch line or any segment thereof is to be abandoned if the Commission is satisfied that the public interest requires such an extension, but no extension under this paragraph shall postpone the abandonment of the line or a segment thereof to a date later than five years from the date of the order fixing the earlier date; or
 - (b) with the concurrence of the company and on the Commission's own motion, or upon application by the company, rescind any order fixing the date or dates for the abandonment of a branch line if, after such investigation by the Commission as it may require, the Commission is satisfied that the branch line has become or is likely to become an economic line of railway.

Rationali-
zation of line
between
systems.

314D. (1) In the exercise of its duties under section 314c the Commission may recommend to railway companies the exchange of branch lines between companies by lease, purchase or otherwise, the giving or exchanging between companies of operating rights or running rights over branch lines or other lines of railway, the connecting of branch lines thereof with other lines of the company or another company, and the abandonment of operation of branch lines in respect of which no applications for abandonment have been filed with the Commission.

Losses to be
claimed by
operating
company.

(2) Where, pursuant to a recommendation made under subsection (1) by the Commission, a

branch line is connected to the lines of another railway company, and the branch line is thereafter operated by the company operating the lines to which the branch line was connected, the operating company may claim under section 314E in respect of any losses attributable to such branch line; and any expenditures incurred by the company in connecting such line to its system shall be a cost of operating the branch line in the year in which the expenditure was incurred.

(3) Where a recommendation is made by the Commission under subsection (1), the Commission shall report its recommendation to the Governor in Council; and, if the recommendation involves one or more railway companies in cost or losses not recoverable under section 314E or is for that or any other reason not acceptable to one or more of such companies, the Governor in Council may cause to be taken such legislative or other action as he considers necessary in the public interest.

Reporting recommendations to Governor in Council.

(4) In the exercise of its duties under section 314c the Commission may also make recommendations not directly involving a railway company

Reporting recommendations to local or other authorities.

(a) in respect of the orderly handling of traffic remaining to a branch line or any segment thereof for which the Commission has fixed a date for abandonment; or

(b) in respect of any action deemed desirable by the Commission on any matter directly related to the abandonment of the branch line or any segment thereof and in particular, but without limiting the generality of the foregoing, in respect of any action causing or likely to cause increased expenditures by municipal or provincial authorities or increased costs of production or sudden losses to holders of rail-tied investment;

and the recommendations may be referred to the appropriate authorities or to interested parties for such action as any or all of them may be prepared to take singly or collectively.

(5) Notwithstanding anything in subsection (2) of section 314c, the Commission may, in support of any recommendation made pursuant to subsection (1) or (4) of this section, publish any of the traffic figures furnished to the Commission pursuant to subsection (2) of section 314c, regardless of whether the figures pertain to branch lines for which applications for abandonment of operations have been filed with the Commission but protecting, so far as it is practicable

Publishing relevant traffic figures.

to do so, information that is by its nature confidential from being made available for use by any other person.

Definitions.

"Claim period."

314E. (1) In this section,

(a) "claim period" means, in relation to any uneconomic line of railway, the period

(i) beginning ninety days after the date the application to abandon the line has been filed with the Commission in accordance with the rules and regulations of the Commission, and

(ii) ending on

(A) the date fixed by the Commission, or as varied pursuant to section 53, for the abandonment of the branch line, or the last operated segment thereof, as the case may be, or

(B) the date upon which an order fixing a date or dates for the abandonment of the line is rescinded by the Commission under section 314c,

whichever date first occurs;

"Fiscal period."

(b) "fiscal period" means the period commencing on the 1st day of April in any year and ending on the 31st day of March in the following year; and

"Uneconomic line of railway."

(c) "uneconomic line of railway" means a branch line that has been determined to be uneconomic by the Commission under section 314c.

Right to claim.

(2) When an uneconomic line of railway, or any segment thereof, is being operated within a claim period, the company operating it may file a claim with the Commission for the amount of any actual loss of the company attributable to the line in any financial year of the company within the claim period, or, where only part of a financial year is within the claim period, in that part thereof within the claim period.

Time of claiming and determination of claim.

(3) A claim under this section shall be filed with the Commission not later than three months after the commencement of the fiscal period next following the financial year of the company in which the actual loss was incurred.

Payment of claim.

(4) The Commission shall examine the claim and shall certify the amount of the actual loss, if any, that in its opinion was attributable to the line and the Minister of Finance, on the recommendation of the Commission, may, in respect of the loss, pay to the company out of the Consolidated Revenue Fund an

amount not exceeding the amount of the loss as certified by the Commission.

(5) Where any payment has been made under subsection (4), notice of the amount of the payment and of the total amount of all such payments in respect of the actual losses of the company attributable to the line in earlier years, if any, shall, in accordance with any regulation of the Commission in that behalf,

Certification and payment.

(a) be posted by the company in all stations on the branch line in respect of which the payment was made; and

(b) be published by the company in at least one newspaper circulating in the area served by that branch line.

(6) The Commission may authorize and direct an adjustment to be made in any payment to a railway company in one fiscal period for or on account of an underpayment or overpayment made under this section to that company in an earlier fiscal period.

Adjustments.

(7) In the determination of any actual loss for the purposes of section 314B or this section,

(a) the Commission may, subject to paragraph (b), include therein or exclude therefrom such items and factors relating to costs and revenues as to the Commission seem proper; and

(b) the Commission shall, in determining for the purposes of this subsection the items and factors that may be taken into account by it relating to revenues, have regard to any payments received by the company under section 329.

Costs and revenues determined by Commission.

(8) Nothing in paragraph (b) of subsection (7) shall be construed as restricting or otherwise limiting the Commission in determining, for any of the purposes of this Act, the items and factors that may be taken into account by it relating to revenues.

Commission not restricted.

314F. (1) Where on the commencement of section 314B an application for the abandonment of a line of railway is pending before the Commission for approval under section 168, the company making the application may, subject to subsection (2), elect by written notice to the Commission to have the application dealt with as an application for the abandonment of a branch line under section 314B; and upon receipt of such notice the Commission shall so deal with the application.

Applications pending under section 168.

(2) The company may elect to transfer an application under subsection (1) only when an application to abandon the operation of the branch line could

Election.

at the time be made to the Commission directly under section 314B.

Presumption
of filing.

(3) Where an election has been made under this section, the application shall be deemed for the purposes of sections 314B to 314E to have been filed with the Commission on the date the notice of the election was given to the Commission, notwithstanding that it is not in the form prescribed for applications under section 314B by the rules and regulations of the Commission, but the Commission may require additional or other information or particulars to be filed with it by the company.

Prohibiting
abandon-
ments.

314G. (1) Notwithstanding anything in sections 314A to 314F, the Governor in Council may, from time to time, by order,

- (a) designate branch lines that shall not be abandoned within such periods as the Governor in Council may prescribe; and
- (b) designate areas within which branch lines shall not be abandoned within such periods as the Governor in Council may prescribe;

and branch lines so designated or within areas so designated shall not be approved for abandonment within the prescribed periods nor shall an application for the abandonment of any such line be made to the Commission within the prescribed period.

Special
assistance.

(2) Where a branch line or any segment thereof is being operated after the coming into force of this section at an actual loss and the company operating that line or segment thereof is unable to make an application for abandonment under section 314B by virtue of an order under subsection (1), the company may claim for such loss and the Minister of Finance, on the recommendation of the Commission and in accordance with such regulations as the Governor in Council may make in that regard, may, out of the Consolidated Revenue Fund, pay the company an amount not exceeding the actual loss of the company, as determined by the Commission, attributable to the operation of that line or segment in the financial year of the company, or part thereof, for which the actual loss is claimed.

Commence-
ment of
ss. 314A to
314G.

314H. (1) Sections 314A to 314G shall come into force on a day to be fixed by proclamation of the Governor in Council.

Restriction
on operation
of section
168.

(2) After the coming into force of sections 314A to 314G no approval for the abandonment of the

operations of any line of railway shall be given under section 168 except in accordance with such regulations as the Governor in Council may make in that regard.

314i. (1) In this section and section 314j,

Definitions.
"Actual
loss."

(a) "actual loss" means, in relation to a passenger-train service,

(i) the excess, if any, of the costs incurred by the company in carrying passengers by the passenger-train service

over

(ii) the revenues of the company attributable to the carrying of passengers by the passenger-train service; and

(b) "passenger-train service" means such train or trains of a company as are capable of carrying passengers and are declared by an order of the Commission, for the purposes of this section and section 314j, to comprise a passenger-train service.

"Passenger-train
service."

(2) If a company desires to discontinue a passenger-train service, the company shall, in accordance with the rules and regulations of the Commission in that regard, file with the Commission an application to discontinue that service.

Application
for discontinuance.

(3) Concurrently with the filing of the application to discontinue the passenger-train service, the company shall also submit to the Commission a statement of the costs and revenues of the company attributable to the carriage of passengers by the service in each of such number of consecutive financial years of the company as the Commission may prescribe (hereinafter in this section referred to as the "prescribed accounting years"), and the Commission shall cause such public notice of the application to be given in the area served by the passenger-train service as the Commission deems reasonable.

Statement of
costs and
revenues.

(4) If the Commission is satisfied that the application to discontinue the passenger-train service has been filed in accordance with the rules and regulations of the Commission, the Commission shall, after investigation, and whether or not it has afforded the company an opportunity to make further submissions, review the statement of costs and revenues referred to in subsection (3) together with all other documents, facts and figures that in its opinion are relevant, and shall determine the actual loss, if any, attributable to the passenger-train service in each of the prescribed accounting years.

Determining
actual loss.

Determi-
nation of
future
status of
service.

(5) If the Commission finds that in its opinion the company, in the operation of the passenger-train service with respect to which an application for discontinuance was made, has incurred actual loss in one or more of the prescribed accounting years including the last year thereof, the Commission shall, after such hearings, if any, as are required in its opinion to enable all persons who wish to do so to present their views on the discontinuance of the passenger-train service, and having regard to all matters that to it appear relevant, determine whether the passenger-train service is uneconomic and is likely to continue to be uneconomic and whether the passenger-train service should be discontinued; but if the Commission finds that in its opinion, the company has incurred no actual loss in the operation of such passenger-train service in the last year of the prescribed accounting years, it shall reject the application without prejudice to any application that may subsequently be made for discontinuance of that service.

Matters to be
considered.

(6) In determining whether an uneconomic passenger-train service or parts thereof should be discontinued, the Commission shall consider all matters that in its opinion are relevant to the public interest including, without limiting the generality of the foregoing,

- (a) the actual losses that are incurred in the operation of the passenger-train service;
- (b) the alternative transportation services, including any highway or highway system serving the principal points served by the passenger-train service, that are available or are likely to be available in the area served by the service;
- (c) the probable effect on other passenger-train service or other passenger carriers of the discontinuance of the service, or of parts thereof; and
- (d) the probable future passenger transportation needs of the area served by the service.

Date of
discon-
tinuance of
service.

(7) If the Commission determines that the operation of an uneconomic passenger-train service should be discontinued, the Commission shall by order fix such date or dates for the discontinuance of the operation of the service or parts thereof as to the Commission appears to be in the public interest; but a discontinuance date shall be

- (a) not earlier than thirty days from the date of the order; or

- (b) not later than one year from the date of the order.

(8) If the Commission determines that the operation of an uneconomic passenger-train service should not be discontinued, the Commission shall so order, and thereafter shall reconsider the application for discontinuance at intervals not exceeding five years from the date of the original application or last consideration thereof, as the case may be, for the purpose of determining whether the passenger-train service should be discontinued, and if

Disposal of application otherwise.

- (a) the Commission finds that the passenger-train service has, since the last consideration, become an economic passenger-train service, it shall reject the application for discontinuance of the passenger-train service without prejudice to any application that may subsequently be made for the discontinuance of that service; or

- (b) the Commission finds that the passenger-train service continues to be an uneconomic service, it shall determine whether the service should be discontinued as provided by subsection (7) or continued as provided by this subsection.

(9) The Commission shall cause such public notice of any hearing, finding, determination, order, reconsideration or rejection, made or given in respect of the passenger-train service pursuant to subsection (4), (5), (7) or (8), to be given in the area served by the passenger-train service as the Commission deems reasonable.

Public notice to be given.

314j. (1) In this section,

- (a) "claim period" means, in relation to any uneconomic passenger-train service, the period
- (i) beginning ninety days after the date the application to discontinue the service has been filed with the Commission in accordance with the rules and regulations of the Commission, and
 - (ii) ending on the date fixed by the Commission, or as varied pursuant to section 53, for the discontinuance of the service or part thereof;
- (b) "fiscal period" means the period commencing on the 1st day of April in any year and ending on the 31st day of March in the following year; and

Definitions.
"Claim period."

"Fiscal period."

"Uneconomic service."

(c) "uneconomic service" means a passenger-train service that has been determined to be uneconomic by the Commission under section 314i.

Filing claim for loss.

(2) When an uneconomic service is being operated within a claim period, the company operating it may file a claim with the Commission for the amount of any actual loss of the company attributable to the service in any financial year of the company within the claim period, or, where only a part of a financial year is within the claim period, in that part thereof within the claim period.

Time for filing claim.

(3) A claim under this section shall be filed with the Commission not later than three months after the commencement of the fiscal period next following the financial year of the company in which the actual loss was incurred.

Payment.

(4) The Commission shall examine the claim and shall certify the amount of the actual loss, if any, that in its opinion was attributable to the service and the Minister of Finance, on the recommendation of the Commission, may, in respect of the loss, pay out of the Consolidated Revenue Fund an amount not exceeding eighty per cent of the loss as certified by the Commission.

Publishing payments.

(5) The Commission may, in respect of any such payment, or the total of all such payments in respect of the actual losses of the company attributable to the passenger-train service in earlier years, cause such public notice of such payment or payments to be given in the area served by the passenger-train service as the Commission deems reasonable.

Adjustments.

(6) The Commission may authorize and direct an adjustment to be made in any payment to a railway company in one fiscal period for or on account of an underpayment or overpayment made under this section to that company in an earlier fiscal period.

Computing actual loss.

(7) In determining the amount of any actual loss for the purposes of section 314i or this section, the Commission may include therein or exclude therefrom such items and factors relating to costs and revenues as to the Commission seem proper.

Not applicable to commuter services.

(8) Subsections (2) to (7) do not apply in respect of a passenger-train service accommodating principally persons who commute between points on the railway of the company providing the service.

Report on losses of commuter services.

(9) Where, by virtue of subsection (8), a claim cannot be made under this section in respect of an uneconomic service, the Commission shall after an investigation certify the actual loss, if any, that in its

opinion is attributable to the service and report thereon to the Governor in Council for such action as he deems necessary or desirable to provide assistance in respect of such loss.

(10) Where pursuant to any action taken by the Governor in Council under this section financial assistance is provided a railway company in any years from moneys appropriated by Parliament therefor, the payment to such company of such assistance shall be deemed for the purposes of section 469 to be a payment under this section.”

Presumption.

43. Subsection (6) of section 315 of the said Act is repealed and the following substituted therefor:

“(6) For the purposes of this section the Commission may order that specific works be constructed or carried out, or that property be acquired, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Commission, or that any specified steps, systems or methods be taken or followed by any particular company or companies, or by railway companies generally, and the Commission may in any such order specify the maximum charges that may be made by the company or companies in respect of any matter so ordered by the Commission.”

Commission may order construction of specific works.

44. The heading preceding section 317 and sections 317 and 318 of the said Act are repealed and the following substituted therefor:

“**317.** Notwithstanding section 336, where in the opinion of the Commission there is, in respect of the carriage of goods in less than carload quantities under five thousand pounds to or from any point in Canada, no alternative, effective and competitive service by a common carrier other than a rail carrier or carriers or a combination of rail carriers, the Commission may investigate the tariff of tolls applying to the carriage in those quantities to or from such point in Canada and if the Commission finds that the tariff of tolls of a railway company, or any portions of the tariff, are such as to take undue advantage of a monopoly situation favouring rail carriers in respect of the carriage of such goods or class of goods, the Commission may disallow such tariff of tolls or any portion thereof and may require the railway company to substitute within a specified period of time a tariff of tolls satisfactory to

When tolls may be disallowed.

the Commission or it may prescribe other tolls in lieu of any tolls so disallowed."

45. (1) Subsection (3) of section 319 of the said Act is repealed.

(2) Subsection (4) of section 319 of the said Act is repealed and the following substituted therefor:

Connecting
railway to
reasonable
facility.

"(4) Every railway company that has or works a railway forming part of a continuous line of railway with or that intersects any other railway, or that has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf."

(3) Section 319 of the said Act is further amended by adding thereto the following subsections:

Commission
may order
specific
works,
charges, etc.

"(8) For the purposes of this section the Commission may order that specific works be constructed or carried out, or that property be acquired, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Commission, or that any specified steps, systems or methods be taken or followed by any particular company or companies, or by railway companies generally, and the Commission may in any such order specify the maximum charges that may be made by the company or companies in respect of any matter so ordered by the Commission.

Similar
facilities
for all
truckers.

(9) If a railway company provides facilities for the transportation by rail of motor vehicles or trailers operated by any company under its control for the conveyance of goods for hire or reward, the railway company shall offer to all companies operating motor vehicles or trailers for the conveyance of goods for hire or reward similar facilities at the same rates and on the same terms and conditions as those applicable to the motor vehicles or trailers operated by the company under its control; and the Commission may

disallow any rate or tariff not in compliance with this subsection and direct the company to substitute therefor a rate or tariff that complies with this subsection."

46. (1) Section 320 of the said Act is repealed.

(2) Sections 322 and 323 of the said Act are repealed.

47. Section 324 of the said Act is repealed and the following substituted therefor:

"324. When the toll charged by the company for the carriage, partly by rail and partly by any other mode of transport, is expressed in a single sum, the Commission, for the purpose of determining whether a toll charged is contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Commission, or may determine, what portion of such single sum is charged in respect of the carriage by rail."

Apportionment of toll for carriage by rail and other mode of transport.

48. The heading preceding section 325 and subsections (1) to (3) of section 325 of the said Act are repealed and the following substituted therefor:

"Tariffs—General Provisions.

325. (1) Every company shall file with the Commission the freight classification that shall govern its tariffs of tolls and shall maintain such tariffs of tolls as will, in conjunction with a freight classification, provide published tolls applicable between any two points on its line in Canada."

To maintain tariffs of tolls by classification.

49. (1) The heading preceding section 326 of the said Act is repealed.

(2) Subsections (3) to (6) of section 326 of the said Act are repealed and the following substituted therefor:

"(3) A by-law mentioned in subsection (1) shall be filed with the Commission.

Filing with Commission.

(4) Except as otherwise authorized by this Act, the company shall not charge any tolls except tolls specified in a tariff that has been filed with the Commission and is in effect.

Tolls to be charged.

Regulations
as to tariffs
filed with
Commission.

(5) The Commission may, with respect to any tariff of tolls or classifications, make regulations fixing and determining the time when, the place where, and the manner in which the tariff shall be filed, published, kept open for public inspection, and amended, consolidated, superseded or cancelled.

Power to
make tolls
not affected
by special
Act.

(6) Notwithstanding section 3, the power given by this Act to the company to fix, prepare and issue tariffs, tolls and rates, and to change and alter the same, is not limited or in any manner affected by the provisions of any Act of the Parliament of Canada or by any agreement made or entered into pursuant thereto, whether general in application or special and relating only to any specific railway or railways, except the *Maritime Freight Rates Act*, Term 32 of the Terms of Union of Newfoundland with Canada, and Part IV of the *Transport Act*."

50. Sections 328 and 329 of the said Act are repealed and the following substituted therefor:

Crows Nest
Pass rates.

"328. (1) Rates on grain and flour moving from any point on any line of railway west of Fort William to Fort William or Port Arthur, over any line of railway now or hereafter constructed by any company that is subject to the jurisdiction of Parliament, shall be governed by the provisions of the agreement made pursuant to chapter 5 of the Statutes of Canada, 1897.

Rates on
grain and
flour for
export
through
West Coast.

(2) Rates on grain and flour moving from any point on any line of railway west of Fort William to Vancouver or Prince Rupert for export over any line of railway now or hereafter constructed by any company that is subject to the jurisdiction of Parliament shall be governed by the provisions of paragraph 2 of General Order No. 448 of the Board of Railway Commissioners for Canada dated Friday the 26th day of August, 1927.

Rates on
grain and
flour for
export
through
Churchill.

(3) Rates on grain and flour moving for export from any point west of Fort William or Armstrong to Churchill over any line of railway of any company that is subject to the jurisdiction of Parliament shall be maintained at the level of rates applying on the 31st day of December, 1966.

Non-
application
of section 3.

(4) Notwithstanding section 3, this section is not limited or in any manner affected by the provisions of any Act of the Parliament of Canada, or by any agreement made or entered into pursuant thereto, whether general in application or special or relating only to any specific railway or railways.

329. (1) In this section,Definitions.
"Eastern
port."

- (a) "Eastern port" means any of the ports of Halifax, Saint John, West Saint John and Montreal and any of the ports on the St. Lawrence River to the east of Montreal;

- (b) "Eastern rates" means,

"Eastern
rates."

- (i) in relation to grain, the freight rates applying on the 30th day of November, 1960, to the movement of grain in bulk for export from any inland point to an Eastern port, and

- (ii) in relation to flour, the freight rates applying on the 30th day of September, 1966, to the movement of flour for export from any inland point to an Eastern port;

- (c) "inland point" means,

"Inland
point."

- (i) in relation to grain, any of the railway points along Georgian Bay, along Lake Huron or along any waterways directly or indirectly connecting with Lake Huron and not being farther east than Prescott, but including Prescott, and

- (ii) in relation to flour, any point in Canada east of the 90th degree of west longitude;

- (d) "flour" means flour milled from grain; and

"Flour."

- (e) "grain" means the commodities referred to in paragraph (6) of Order No. 121416 of the Board of Transport Commissioners for Canada dated the 18th day of July, 1966.

"Grain."

(2) For the purpose of encouraging the continued use of the Eastern ports for the export of grain and flour,

Maintaining
existing
effective
rates.

- (a) rates for grain moving in bulk for export to any Eastern port from any inland point over any line of a railway company subject to the jurisdiction of Parliament shall be maintained at the level of rates applying on the 30th day of November, 1960, to the movement of such grain to Eastern ports; and

- (b) rates on flour moving for export to an Eastern port from any inland point over any line of a railway company subject to the jurisdiction of Parliament shall be maintained at the level of rates applying on the 30th day of September, 1966, to the movement of such flour to Eastern ports.

(3) The Commission shall from time to time determine in respect of

Determining
rates for
comparison.

- (a) the movement of grain in bulk for export, and

Payment of
assistance.

(b) the movement of flour for export, by railway to an Eastern port from an inland point a level of rates consistent with section 334 and shall cause such rates to be published in the *Canada Gazette*.

(4) The Governor in Council may, on the recommendation of the Commission, authorize the Minister of Finance to pay out of the Consolidated Revenue Fund to a railway company under the jurisdiction of Parliament that carries at Eastern rates grain moving in bulk for export to an Eastern port from an inland point, or flour moving for export from an inland point to an Eastern port, when the Eastern rates for such grain or flour, as the case may be, are less than the rates determined and published by the Commission under subsection (3), an amount equal to the difference between

(a) the total amount received by the company in respect of that year for the carriage of such grain or flour, and

(b) the total amount that the company would have received in respect of that year had the grain or flour been carried at the rates determined and published by the Commission under subsection (3) instead of at the Eastern rates.

Prevailing
rates.

(5) Until such time as the Commission determines and publishes a level of rates under subsection (3),

(a) the railway proportions of rates for the movement of grain in bulk for export from an inland point to an Eastern port that have been filed by a railway company with the Board of Transport Commissioners for Canada in accordance with paragraph 2 of Order No. 103860 of that Board dated February 23rd, 1961, and that have been approved by that Board shall be deemed to be the rates determined and published by the Commission under subsection (3); and

(b) the rates applying on the 30th day of September, 1966, for the movement of flour for export from an inland point to an Eastern port shall be deemed to be the rates determined and published by the Commission under subsection (3)."

51. Section 332 of the said Act is repealed.

52. Subsections (2) to (5) of section 333 of the said Act are repealed and the following substituted therefor:

"(2) Unless otherwise ordered by the Commission, when any freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff at least thirty days before its effective date.

Tariff
advancing
tolls.

(3) A freight tariff that reduces any toll previously authorized to be charged under this Act may be acted upon and put into operation immediately on or after the issue of the tariff and before it is filed with the Commission.

Tariff
reducing
tolls.

(4) Where a freight tariff is filed and notice of issue is given in accordance with this Act and the regulations, orders and directions of the Commission, the tolls therein shall, unless and until they are disallowed by the Commission, be conclusively deemed to be the lawful tolls and shall take effect on the date stated in the tariff as the date on which it is to take effect, and the tariff supersedes any preceding tariff, or any portion thereof, in so far as it reduces or advances the tolls therein; and the company shall thereafter, until such tariff expires, or is disallowed by the Commission, or is superseded by a new tariff, charge the tolls as specified therein."

Effective
dates of
tariffs.

53. Sections 334 to 337 of the said Act are repealed and the following substituted therefor:

"**334.** (1) Except as otherwise provided by this Act all freight rates shall be compensatory; and the Commission may require the company issuing a freight tariff to furnish to the Commission at the time of filing the tariff or at any time, any information required by the Commission to establish that the rates contained in the tariff are compensatory.

Rates to be
compensa-
tory.

(2) A freight rate shall be deemed to be compensatory when it exceeds the variable cost of the movement of the traffic concerned as determined by the Commission.

Determi-
nation of
compensa-
tory freight
rate.

(3) In determining for the purposes of this section the variable cost of any movement of traffic, the Commission shall

Determi-
nation of
variable
cost.

(a) have regard to all items and factors prescribed by regulations of the Commission as being relevant in the determination of variable costs; and

(b) compute the costs of capital in all cases by using the costs of capital approved by the Commission as proper for the Canadian Pacific Railway Company.

Disallowance
of non-
compensatory
rate.

Inquiry into
rate.

(4) The Commission may disallow any freight rate that after investigation the Commission determines is not compensatory.

(5) Where the Commission receives information by way of a complaint or otherwise containing *prima facie* evidence that a freight rate shown in a tariff filed with the Commission is not compensatory, the Commission shall conduct an investigation to determine if such rate is compensatory, and in any other case the Commission may, of its own motion, conduct such an investigation.

Stabilizing
"select
territory"
carload
rates.

335. (1) A carload rate that is for a movement between points in Canada one of which is, or both of which are, within the "select territory" as defined by sections 2, 7 and 12 of the *Maritime Freight Rates Act* and that, either,

- (a) was reduced on or before the 30th day of April, 1962, by reason of any order of the Board of Transport Commissioners for Canada made pursuant to the *Freight Rates Reduction Act*, or
- (b) is in a tariff or a supplement thereto filed with the Board of Transport Commissioners for Canada after the 30th day of April, 1962, and is set at a level that would have satisfied the provisions of Order No. 101055, dated April 27, 1960, of that Board had that Order been in force at the date the tariff or supplement was filed,

continues in effect notwithstanding anything in this Act or any other Act.

Rates for
coal and coke.

(2) A commodity rate (other than a competitive rate) that was in effect on the 9th day of October, 1966, for a movement of coal or coke between points in Canada one of which is, or both of which are, within the "select territory" as defined by sections 2, 7 and 12 of the *Maritime Freight Rates Act*, shall be the rate in effect therefor after the coming into force of this section and shall continue to be the rate therefor notwithstanding anything in this Act or any other Act.

Rates for
lumber.

(3) A commodity rate (other than a competitive rate) that was in effect on the 12th day of December, 1966, for a movement of lumber between points in Canada one of which is, or both of which are, within the "select territory" as defined by sections 2, 7 and 12 of the *Maritime Freight Rates Act*, shall be the rate in effect therefor after the coming into force of this section and shall continue to be the rate therefor notwithstanding anything in this Act or any other Act.

(4) Subsections (1) to (3) shall be in force during the two years after the coming into force thereof and expire at the end of that period. Limited period.

336. (1) A shipper of goods for which in respect of those goods there is no alternative, effective and competitive service by a common carrier other than a rail carrier or carriers or a combination of rail carriers may, if he is dissatisfied with the rate applicable to the carriage of those goods after negotiation with a rail carrier for an adjustment of the rate, apply to the Commission to have the probable range within which a fixed rate for the carriage of the goods would fall determined by the Commission; and the Commission shall inform the shipper of the range within which a fixed rate for the carriage of the goods would probably fall. Application to set range for fixed rate.

(2) After being informed by the Commission of the probable range within which a fixed rate for the carriage of the goods would fall, the shipper may apply to the Commission to fix a rate for the carriage of the goods, and the Commission may after such investigation as it deems necessary fix a rate equal to the variable cost of the carriage of the goods and an amount equal to one hundred and fifty per cent of the variable cost as the fixed rate applicable to the carriage of the goods in respect of which the application was made (hereinafter in this section referred to as the "goods concerned"). Fixing the rate.

(3) In determining the variable cost of the carriage of goods for the purposes of this section, the Commission shall Determination of variable cost.

- (a) have regard to all items and factors prescribed by regulations of the Commission as being relevant in the determination of variable costs;
- (b) compute the costs of capital in all cases by using the costs of capital approved by the Commission as proper for the Canadian Pacific Railway Company;
- (c) calculate the cost of carriage of the goods concerned on the basis of carloads of thirty thousand pounds in the standard railway equipment for such goods; and
- (d) if the goods concerned may move between points in Canada by alternative routes of two or more railway companies, compute the variable cost on the basis of the costs of the lowest cost rail route.

Acceptance
of fixed
rate.

(4) Where a fixed rate is made under this section, the Commission shall forthwith notify the shipper of the rate so fixed, and if within thirty days of the mailing of the notice to the shipper by the Commission, the shipper enters into a written undertaking with a railway company, in a form satisfactory to the Commission, to ship the goods concerned by rail in accordance with this section, the company shall file and publish a tariff of the fixed rate which shall be effective upon such date as the Commission may, by order or regulation, direct.

Effect of
accepting
fixed rate.

(5) When a shipper enters into a written undertaking as provided in subsection (4),

(a) the shipper shall cause to be shipped by rail, for a period of one year from the date the fixed rate takes effect and for so long thereafter as the fixed rate as originally fixed or as altered under paragraph (a) of subsection (7) remains in force, all shipments of the goods concerned except such shipments as the Commission may from time to time authorize to be shipped for experimental purposes by another mode of transport; and

(b) the charges for any shipments of the goods concerned in the standard railway equipment for goods of that type shall be

(i) except in any case coming under subparagraph (ii) or (iii), at the fixed rate on the basis of a minimum carload weight of thirty thousand pounds, and for shipments under thirty thousand pounds, at the prevailing rate under the tariffs of the company for goods of that type unless the shipper assumes the charges for a shipment of thirty thousand pounds at the fixed rate,

(ii) except in any case coming under subparagraph (iii), if the carload weight of a single shipment of the goods concerned is fifty thousand pounds or more, at a rate to be determined by deducting from the fixed rate an amount equal to one half the amount of the reduction in the variable cost of the shipment of the goods concerned below the amount of the variable cost with reference to which the fixed rate was established, but rates need be determined under this subparagraph only as required and then for minimum carload weights

based on units of twenty thousand added to thirty thousand and a rate for a carload weight in excess of fifty thousand pounds and between any two minimum carload weights so established shall be the rate for the lower of such minimum carload weights, or

- (iii) at such rate less than the fixed rate, on the basis of such minimum carload weight, as the shipper may negotiate with a railway company at the time he enters into the written undertaking or at any time thereafter, and every such rate so negotiated shall be filed and published in accordance with regulations, orders or directions made by the Commission.

(6) The Commission may require any shipper for whom a rate has been fixed under this section to supply any information to the Commission, or to make available for the inspection of the Commission, shipping books, shipping records and invoice records of every kind for the purpose of verifying that the shipper has complied with paragraph (a) of subsection (5); and where it is shown to the Commission that the shipper has contravened that paragraph, or where the shipper defaults in giving the Commission any information required by it, the Commission may authorize cancellation of the fixed rate in respect of the goods concerned.

Failure to
ship goods
by carrier.

(7) Where a fixed rate has been cancelled pursuant to an authorization under subsection (6), the company may recover from the shipper for all goods shipped at the maximum rate the difference between charges at the maximum rate and charges based on the rate in effect on such goods immediately before the effective date of the maximum rate, and, in addition, the company is entitled to liquidated damages at the rate of ten per cent of the maximum rate on all goods shipped by the shipper otherwise than in accordance with the provisions of the written undertaking referred to in subsection (4).

Rights of
company.

(8) At any time after the expiration of one year from the date the fixed rate became effective in respect of the carriage by rail of the goods concerned,

Termination
or alteration
of fixed rate.

- (a) the Commission may, upon being satisfied of a change in the variable cost in relation to which a rate was fixed under this section, alter the fixed rate as the Commission may specify;

- (b) the shipper may give notice in writing to the Commission and to any railway company with whom he had shipped the goods concerned that the shipper no longer desires to be bound by the written undertaking entered into in respect of the goods concerned on and after a date specified in the notice, not being earlier than ten days from the date of the notice, and thereupon his undertaking is terminated as of the date so specified, and the fixed rate shall be cancelled in respect of the goods concerned; and
- (c) where the Commission is satisfied that there is available to the shipper in respect of the goods concerned an alternative, effective and competitive service by a common carrier other than a rail carrier or carriers or combination of rail carriers, the Commission by order may, upon the application of a railway company, authorize the cancellation of the fixed rate as originally fixed or as altered under paragraph (a) in respect of the goods concerned, upon such date, not being earlier than ten days from the date of the order, as is stated in the order.

Form and
content of
application.

(9) An application under this section shall be in such form and contain such information as the Commission may by regulation or otherwise require and without limiting the generality of the foregoing,

- (a) an application under subsection (1) shall be accompanied by copies of all letters and documents exchanged between the shipper and any railway company in respect of the negotiations between the shipper and the rail carriers for an adjustment in the rate applicable to the goods to be shipped or received by the shipper; and
- (b) in the case of an application under subsection (2) the shipper making the application shall pay to the Receiver General for the use of Her Majesty such fee, if any, as may be determined by the Commission but not exceeding in any event twenty-five dollars.

Application of
*Maritime
Freight Rates
Act.*

(10) This section is subject to the *Maritime Freight Rates Act* and Term 32 of the Terms of Union of Newfoundland with Canada.

Existing level
of rates pre-
vails for
fixed period.

(11) This section does not apply in respect of any freight rate in effect upon the 1st day of August, 1966, including any freight rate payable by a shipper at a level provided for on the principles of the *Freight*

Rates Reduction Act, until that freight rate advances above the level payable by a shipper as of the 1st day of August, 1966.

(12) If the goods of a shipper pass over any continuous rail route in Canada operated by two or more railway companies, the expression "company" as used in this section shall be taken to mean each such company.

Meaning of "company" in relation to rail route for goods of shipper.

(13) In this section "shipper" means a person sending or desiring to send goods between points in Canada or who receives or desires to receive goods shipped between points in Canada.

Meaning of "shipper".

(14) Notwithstanding subsection (11), where immediately before the coming into force of this section a reduced freight rate was in effect pursuant to section 468, an advance in that rate shall be deemed not to be an advance in the freight rate payable by a shipper until that freight rate advances to a level beyond any level authorized by the Commission under section 468A after the commencement of the *National Transportation Act*.

Advance in rates upon removal of "bridge toll".

(15) Subsection (11) expires two years after the coming into force of this section unless, before that date, a later date is fixed for its expiration by proclamation of the Governor in Council in which case that subsection expires on such later date.

Expiration of subsection (11).

(16) As soon as practicable after the expiration of four years from the coming into force of this section the Commission shall, after holding such public hearings as it may deem expedient and hearing the submissions of interested parties, report to the Governor in Council on the operation of this section and matters relevant thereto and, having regard to the national transportation policy, shall make such recommendations to the Governor in Council with respect to the operation of the section as the Commission considers desirable in the public interest.

Report on operation of section.

337. Railway companies shall exchange such information with respect to costs as may be required under this Act and may agree upon and charge common rates under and in accordance with regulations or orders made by the Commission."

Exchange of information and common rates.

54. (1) Paragraph (a) of subsection (1) of section 338 of the said Act is repealed and the following substituted therefor:

"(a) standard passenger tariffs; and"

(2) Subsection (2) of section 338 of the said Act is repealed and the following substituted therefor:

What
standard
passenger
tariffs shall
specify.

“(2) Standard passenger tariffs shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company’s railway.”

(3) Section 338 of the said Act is further amended by adding thereto the following subsection:

Passenger
tolls to be
just and
reasonable.

“(4) Where the Commission has reason to believe that

(a) in respect of any passenger-train service of the company that is serving areas the principal points of which are not, in the opinion of the Commission, connected by an adequate highway or adequate highway system, or

(b) in respect of any passenger-train service accommodating principally persons who commute between points on the railway of the company providing the service,

the passenger tariff or any portion thereof applying to such passenger-train service is unjust or unreasonable, or contrary to any of the provisions of this Act, the Commission may, notwithstanding any special Act or other Act, disallow the passenger tariff or any portion thereof that it finds unjust or unreasonable or contrary to the provisions of this Act, and upon such suspension or disallowance, the Commission may require the company to substitute within a prescribed time a tariff of tolls satisfactory to the Commission in lieu thereof, or may prescribe other tolls in lieu of the tolls so suspended or disallowed.”

55. The said Act is further amended by adding thereto immediately after section 338 thereof the following section:

Special
appeal and
investigation.

“**338A.** (1) Any person, if he has reason to believe that a tariff of tolls for the carriage of passengers of a company, or the conditions attached to the carriage of passengers in such a tariff, are prejudicial to the public interest, may apply to the Commission for leave to appeal such a tariff or conditions, and the Commission, if it is satisfied that a *prima facie* case has been made, may grant leave to appeal and may make such investigation of such tariff or conditions as in its opinion may be warranted.

(2) In conducting an investigation under this section, the Commission shall have regard to all considerations that appear to it to be relevant including

Matters which may be considered.

- (a) the effect of the tariff or conditions on the financial ability of the company and of other carriers of passengers to provide passenger services;
- (b) the effect of the tariff or conditions on the variety and quality of passenger services available to the public; or
- (c) whether control by, or the interest of a railway company in, another form of transportation service, or control of a railway company by, or the interest in the railway company of, any other transportation service may be involved.

(3) If the Commission, after a hearing, finds that the tariff or conditions in respect of which the appeal was made are prejudicial to the public interest, it may make an order requiring the company to remove the prejudicial feature of the relevant tariff or conditions, or such other order as in the circumstances the Commission considers proper, or it may report thereon to the Governor in Council for any action that is considered appropriate."

Directing order.

56. Subsections (1) and (2) of section 339 of the said Act are repealed and the following substituted therefor:

"339. (1) A standard passenger tariff shall be filed and published, and amended or supplemented in accordance with regulations, orders or directions made by the Commission.

Standard passenger tariff.

(2) Until the company files its standard passenger tariff and such tariff is published, no passenger or related tolls shall be charged by the company."

Tolls charged after filing.

57. (1) Subsection (1) of section 340 of the said Act is repealed and the following substituted therefor:

"340. (1) The company shall file all special passenger tariffs with the Commission at least three days before the effective date and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff at every station or office of the company where passengers are received for carriage thereunder; but the Commission may,

Special passenger tariffs.

owing to the exigencies of competition or otherwise, notwithstanding anything in this section, determine the time or manner within and according to which publication of any such tariff is to be made."

(2) Subsection (3) of section 340 of the said Act is repealed and the following substituted therefor:

When tariff effective.

"(3) When the foregoing provisions have been complied with, any such tariff, unless suspended or disallowed by the Commission, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is suspended or disallowed by the Commission or expires or is superseded by a new tariff, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs or any portion or portions thereof, in so far as it reduces or advances the tolls therein."

58. (1) Subsection (4) of section 341 of the said Act is repealed.

(2) Subsection (4) of section 342 of the said Act is repealed.

59. Section 343 of the said Act is amended by adding thereto the following subsection:

Preference on export rates.

"(2) Nothing in this Act shall be construed to affect any obligation imposed upon any railway company subject to the jurisdiction of Parliament by any other Act or any agreement made pursuant thereto requiring the company

- (a) to maintain rates on export traffic moving through any Canadian seaport located in the "select territory" as defined by sections 2, 7 and 12 of the *Maritime Freight Rates Act* at a specified level, or at a level specified in relation to other rates; or
- (b) to route export traffic through Canadian seaports."

60. The heading preceding section 347 and section 347 of the said Act are repealed.

61. The heading preceding section 349 and section 349 of the said Act are repealed.

62. Section 356 of the said Act is repealed and the following substituted therefor:

"356. (1) Her Majesty's mail shall, at all times, when required by the Postmaster General of Canada, be carried on the railway with the whole resources of the company, if required, at such rates consistent with section 334 as may be agreed upon by the company and the Postmaster General.

Her Majesty's
mail.

(2) Members of the Canadian Forces and all policemen, constables and others travelling on Her Majesty's service shall, at all times, when required by the Minister of National Defence, or any person having the command of any police force, be carried on the railway, together with their baggage, equipment and stores, with the whole resources of the company, if required, at rates that are consistent with section 334."

Canadian
Forces and
peace
officers.

63. Subsection (1) of section 362 of the said Act is repealed and the following substituted therefor:

"362. (1) If any goods remain in possession of the company unclaimed for the space of three months, the company may on giving public notice thereof by advertisement for six weeks thereafter in the official gazette of the province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement; and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods."

Unclaimed
goods.

64. The heading preceding section 364 and sections 364 and 365 of the said Act are repealed and the following substituted therefor:

"365. The Commission has and may exercise with respect to express tolls and express tariffs such powers as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act, except section 336, that are applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of sections 366 to 368 and section 370, apply to express tolls and express tariffs."

Powers *re*
express tolls.

65. Sections 367 to 369 of the said Act are repealed and the following substituted therefor:

No carriage
by express
until tariff
filed.

“367. No company shall carry or transport any goods by express unless and until the tariff of express tolls therefor or in connection therewith has been filed with the Commission in the manner provided by section 366.

An unfiled
toll not to
be charged.

368. No express toll shall be charged in respect of which there is a default in filing with the Commission or that has been disallowed by the Commission.

Power to
define
carriage by
express.

369. The Commission may by regulation or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act.”

66. (1) Paragraph (b) of subsection (1) of section 378 of the said Act is repealed.

Height of
wires.

(2) Section 378 of the said Act is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, the Commission may determine the height at which any company empowered by Special Act or other authority of the Parliament of Canada to construct, operate and maintain telegraph or telephone lines shall affix and maintain any wires

(a) above or across highways and public places in cities, towns and incorporated villages; and
(b) above, across or adjacent to any private way, entrance or lane used for vehicular traffic; and no such company shall affix or maintain any such wires at any lower height than that so determined by the Commission, nor shall any such company erect more than one line of poles along any highway.”

67. (1) Subsection (4) of section 380 of the said Act is repealed.

(2) All that portion of subsection (13) of section 380 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Application
of provisions
of Act.

“(13) Without limitation of the generality of this subsection by anything contained in the preceding

subsections or in section 381, the jurisdiction and powers of the Commission, and, in so far as reasonably applicable and not inconsistent with this section, section 381 or the Special Act, the provisions of this Act respecting such jurisdiction and powers, and respecting proceedings before the Commission and appeals to the Supreme Court or Governor in Council from the Commission, and respecting offences and penalties, and the other provisions of this Act except sections 73 to 273, 275 to 285, 290 to 317, 321, 324, 326, 328, 329, 332 to 340, 353 to 359, 363 to 371, 393 and 394, 397, 401 to 431, 439 to 443, 449, 456 to 464, extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application”

68. The heading preceding section 381 and section 381 of the said Act are repealed and the following substituted therefor:

“Traffic, Tolls and Tariffs.

381. (1) All tolls shall be just and reasonable and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

Tolls to be just and reasonable.

(2) A company shall not in respect of tolls

(a) make any unjust discrimination against any person or company;

No unjust discrimination.

(b) make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company or any particular description of traffic, in any respect whatever; or

(c) subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage, in any respect whatever;

and where it is shown that the company makes any discrimination or gives any preference or advantage, the burden of proving that the discrimination is not unjust or that the preference is not undue or unreasonable lies upon the company.

(3) The Commission may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and

Commission may determine.

conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this section, or whether in any case the company has or has not complied with the provisions of this section or section 380.

Power of Commission to suspend, postpone and disallow tolls.

(4) The Commission may

- (a) suspend or postpone any tariff of tolls or any portion thereof that in its opinion may be contrary to section 380 or this section; and
- (b) disallow any tariff of tolls or any portion thereof that it considers to be contrary to section 380 or this section and require the company to substitute a tariff satisfactory to the Commission in lieu thereof or prescribe other tolls in lieu of any tolls so disallowed.

General powers of Commission.

(5) In all other matters not expressly provided for in this section the Commission may make orders with respect to all matters relating to traffic, tolls and tariffs or any of them.

Definition of expressions.

(6) In this section and section 381A, the expressions "company", "Special Act", "toll" and "traffic" have the meanings assigned to them by section 380.

Contracts, etc. Limiting Liability.

Contracts, etc., impairing carrier's liability.

381A. (1) No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of any traffic shall, except as hereinafter provided, relieve the company from such liability, unless the class of contract, condition, by-law, regulation, declaration or notice has been first authorized or approved by order or regulation of the Commission.

Power of Commission.

(2) The Commission may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

Commission may prescribe terms.

(3) The Commission may by regulation prescribe the terms and conditions under which any traffic may be carried by the company."

69. Section 387 of the said Act is amended by adding thereto the following subsection:

Review of uniform classification of accounts.

"(7) The Commission shall review and revise as necessary the uniform classification of accounts, at

intervals not longer than every two years, to ensure that railway companies maintain separate accounting

- (a) of the assets and earnings of their rail and non-rail enterprises; and
- (b) of their operations by modes of transport."

70. The said Act is further amended by adding thereto, immediately after section 387 thereof, the following sections:

"387A. (1) In computing the costs of the undertaking of the company for the purposes of sections 314A to 314J, 317, 329, 334, 336, 387B and this section, there shall be included such allowance on a periodic basis

Allowances included in "costs."

- (a) for depreciation, and
- (b) in respect of the cost of any money expended, whether or not the expenditure was made out of borrowed money,

as to the Commission seems reasonable in the circumstances.

(2) Without limiting the powers of the Commission under this Act to determine costs,

Computation of costs of a portion of an undertaking.

- (a) if the costs of a portion of the undertaking of the company or of a particular operation of the company are to be computed for a particular period, such of the costs of the whole undertaking of the company or any other portion of such undertaking thereof as, in the opinion of the Commission, are reasonably attributable to that portion of the undertaking or to the particular operation, as the case may be, in respect of which the costs are being computed, may be included in such computation of costs, irrespective of when, or in what manner, or by whom such costs were incurred; and

- (b) if the costs of a portion of the undertaking of the company or of a particular operation of the company are to be computed in respect of future operations of the company, they shall be determined in accordance with estimates made on such basis as to the Commission seems reasonable in the circumstances.

(3) Any determination of costs by the Commission for any of the purposes of this Act is final and binding upon all parties interested or affected thereby.

Effect of determination of costs.

Components
of costs.

387B. (1) The Commission shall by regulation prescribe for any of the purposes of this Act the items and factors, including the factors of depreciation and the cost of capital as provided in subsection (1) of section 387A, which shall be relevant in the determination of costs, and, to the extent that the Commission deems it proper and relevant to do so, the Commission shall have regard to the principles of costing adopted by the Royal Commission on Transportation appointed by the Order-in-Council dated the 13th day of May, 1959, in arriving at the conclusions contained in the report thereof, and to later developments in railway costing methods and techniques and to current conditions of railway operations.

Notice of
amendments.

(2) When the Commission proposes to amend any regulations made under subsection (1), the Commission shall give notice of the proposed amendment in the *Canada Gazette* and in such additional publications as it deems desirable, and any transportation company, organization, provincial authority or municipal authority in Canada may, within twenty days from the day of the publication of the notice in the *Canada Gazette*,

- (a) request the Commission to hold hearings on the matter of the proposed amendment; or
- (b) give notice to the Commission that it intends to submit to the Commission views and recommendations on the matter of the proposed amendment, which views and recommendations shall be submitted in writing not later than forty days from the day of the publication of the notice in the *Canada Gazette*;

and the proposed amendment shall be brought into force not earlier than sixty days from the day of the publication of the notice in the *Canada Gazette* unless within the period limited therefor by this subsection a request is received by the Commission to hold hearings, or a written submission is received by the Commission setting out views and recommendations, on the matter of the proposed amendment.

When only
written sub-
missions
made.

(3) Where a written submission seeking a change in a proposed amendment mentioned in subsection (2) is received by the Commission within the time limited therefor by that subsection and no request to hold hearings on the matter of the proposed amendment is received by the Commission within the time limited therefor by that subsection, the Commission shall allow a further period of thirty days for

the circulation of the submission and the receipt of comments thereon; and the Commission may thereafter

- (a) bring the proposed amendment into force as originally proposed or as altered after receipt of the written submission and replies thereto, on a day fixed by the Commission; or

- (b) hold hearings on the proposed amendment.

(4) Where a request to hold hearings on a proposed amendment mentioned in subsection (2) is received by the Commission within the time limited therefor by that subsection, or where hearings are held under subsection (3) on the proposed amendment, the Commission shall

When
hearings
requested
or held.

- (a) circulate any written submissions received pursuant to subsection (2) that have not already been circulated pursuant to subsection (3); and

- (b) hold such hearings as in its opinion are necessary to enable all persons who wish to do so to present their views to the Commission;

and thereafter the Commission may bring the proposed amendment into force, as originally proposed or as altered after such hearings, on a day fixed by the Commission.

(5) Where an amendment to a regulation made under this section is proposed by a person other than the Commission and the amendment has merit in the opinion of the Commission, the Commission shall circulate the proposal and replies thereto and, if the Commission considers it desirable to do so, the Commission may

Amend-
ments
proposed
by other than
Commission.

- (a) bring the proposed amendment into force on a day fixed by the Commission, which shall not be earlier than ninety days from the day that the proposed amendment was received by the Commission; or

- (b) hold hearings on the matter of the proposed amendment and bring the proposed amendment into force, as originally proposed or as altered after such hearings, on a day fixed by the Commission.

387c. Where information concerning the costs of a railway company or other information that is by its nature confidential is obtained from the company by the Commission in the course of any investigation under this Act, such information shall not be published or revealed in such a manner as to be available for the use of any other person, unless in the opinion of the

Information
bearing on
costs.

Commission such publication is necessary in the public interest.

71. Section 415 of the said Act is repealed and the following substituted therefor:

Trespass
by foot.

“415. (1) Every person who without authority therefor from the company enters upon or trespasses upon the yard or track of the company, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding twenty dollars.

Trespass by
vehicle.

(2) Every person who without authority therefor from the company operates a vehicle upon the yard or right of way of the company, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding one hundred dollars.”

72. Subsection (1) of section 436 of the said Act is repealed and the following substituted therefor:

Unlawful
rebates or
concessions.

“436. (1) Any person or company or any officer or agent of any company who offers, grants or gives, or solicits, accepts or receives any rebate, concession or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic is, by any device whatsoever, transported at a less rate than that named in the tariffs then in force, is for each offence liable to a penalty not exceeding one thousand dollars.

Unjust dis-
crimination
in telegraph
and telephone
traffic.

(1a) Any person or company or any officer or agent of a company

(a) for whom a company having power to carry telegraph or telephone traffic (in this subsection called a “telegraph or telephone company”) or any of its officers or agents, is by any means or device whatever induced to transport such traffic at a less rate than that named in the tariffs then in force, and thereby to discriminate unjustly in favour of any person, company, officer or agent as against any other person or company, or

(b) who aids or abets a telegraph or telephone company in any unjust discrimination,
is for each offence liable to a penalty not exceeding one thousand dollars.”

73. Paragraph (b) of section 443 of the said Act is repealed.

74. (1) Section 468 of the said Act shall cease to have any force or effect in respect of any payments relating to any year after the year 1966. Cessation of "bridge subsidy".

(2) The said Act is further amended by adding thereto immediately after section 468 the following sections:

"468A. (1) The reductions in rates that, immediately before the coming into force of Part V of the *National Transportation Act*, were in force by virtue of section 468 continue in force subject to subsections (2) to (4). Reductions continued.

(2) The Commission shall, one year after the coming into force of Part V of the *National Transportation Act*, authorize such increases in the rates to which subsection (1) applies as in the opinion of the Commission would, if put wholly into effect, yield the Canadian National Railway Company and the Canadian Pacific Railway Company, combined, three million dollars, approximately, of additional annual revenues. First increase.

(3) The Commission shall, two years after the coming into force of Part V of the *National Transportation Act*, authorize such further increases in the rates to which this section applies as in the opinion of the Commission would, if put wholly into effect, yield the Canadian National Railway Company and the Canadian Pacific Railway Company, combined, two million dollars, approximately, of additional annual revenues. Second increase.

(4) The Commission shall, three years after the coming into force of Part V of the *National Transportation Act*, authorize such further increases in the rates to which this section applies as in the opinion of the Commission would, if put wholly into effect, yield the Canadian National Railway Company and the Canadian Pacific Railway Company, combined, two million dollars, approximately, of additional annual revenues. Third increase.

(5) This section expires four years after the coming into force of Part V of the *National Transportation Act*. Expiration.

469. (1) In this section,

(a) "eligible companies" means the railway companies under the jurisdiction of Parliament that are subject to Order No. 96300 of the Board of Transport Commissioners for Canada dated November 17, 1958, and that Definitions. "Eligible companies."

immediately before the coming into force of this section were maintaining a rate level for freight traffic that would have satisfied the provisions of Order No. 101055 of that Board dated April 27, 1960, had that Order been in force immediately before the coming into force of this section.

"Normal
payment."

- (b) "normal payment" means the payment that would have been made to a railway company for a year if the sum specified in subsection (2) for that year was available to be divided among the eligible companies as a Parliamentary appropriation to reimburse eligible companies for maintaining the level of rates for freight traffic at a level that would satisfy Order No. 101055 of the Board of Transport Commissioners for Canada, dated April 27, 1960.

Normal
payment to
be calculated.

(2) For each of the years 1967 to 1974, inclusive, the Commission shall calculate the normal payment that would have been made to a railway company if the following sums were available to be divided among eligible companies, namely:

- (a) for 1967, the sum of one hundred and ten million dollars;
- (b) for 1968, the sum of ninety-six million dollars;
- (c) for 1969, the sum of eighty-two million dollars;
- (d) for 1970, the sum of sixty-eight million dollars;
- (e) for 1971, the sum of fifty-four million dollars;
- (f) for 1972, the sum of forty million dollars;
- (g) for 1973, the sum of twenty-six million dollars; and
- (h) for 1974, the sum of twelve million dollars.

Factors
bearing on
calculation.

(3) The method of calculating a normal payment shall be determined by the Commission but in making its calculation the Commission shall have regard to all factors that in its opinion are relevant, including the methods of allocating among eligible companies the sums provided before the coming into force of this section by Parliament to reimburse such companies for maintaining the level of rates for freight traffic at a level that satisfied or would have satisfied Order No. 101055 of the Board of Transport Commissioners for Canada dated April 27, 1960.

Equalization
payment
authorized.

(4) When the normal payment calculated in respect of a railway company for a year exceeds, or in the opinion of the Commission is likely to exceed, the aggregate of the amounts payable in respect of that year to a railway company under sections 314E, 314G, 314J and 329, the Minister of Finance may,

on the recommendation of the Commission, pay out of the Consolidated Revenue Fund to such railway company, at such times and by such instalments as the Governor in Council may prescribe, an amount equal to the amount by which the normal payment calculated in respect of such railway company exceeds the aggregate of the amounts paid or payable to such railway company under sections 314E, 314G, 314J and 329 in respect of that year.

(5) The Minister of Finance on the recommendation of the Commission may make an adjustment in any payment to a railway company under this section or sections 314E, 314G, 314J and 329 in or for one year or for on account of an underpayment or overpayment made under this section in an earlier year. Adjustments.

(6) The Commission may, in calculating a normal payment under this section in respect of any year, deduct from such payment appropriate amounts for payment to any transportation company that was subject to Order No. 96300 of the Board of Transport Commissioners for Canada dated November 17th, 1958, and that is not a railway company, and may recommend payment to any such transportation company in respect of such year of an amount based on the position of such transportation company in relation to railway companies under that Order. Deduction from normal payment.

470. (1) In this section "grain products" means any commodities to which, under the freight tariffs of the company in effect on the 1st day of January, 1966, the rates known as grain products rates, flaxseed products rates or rapeseed products rates applied on that date. "Grain products" defined.

(2) It is a condition precedent to the payment to a railway company of any financial assistance provided, in respect of the movement of grain or grain products as in this subsection described, pursuant to a report under paragraph (e) of subsection (1) of section 15 or otherwise provided to the company as compensation for an imposed public duty in respect of such movements, within the intent of paragraph (c) of section 1 of the *National Transportation Act*, that the company has not increased the level of rates prevailing on the 31st day of December, 1966, Condition precedent.

(a) on grain products other than flour moving from any point west of Fort William to Fort William or to Port Arthur over any lines of railway of the company;

- (b) on grain products other than flour moving for export from any point west of Fort William or Armstrong to Churchill over any line of railway of the company;
- (c) on grain or grain products moving for export from any point west of Fort William to a Canadian port on the Pacific coast, other than Vancouver or Prince Rupert, over any line of railway of the company;
- (d) on grain products other than flour moving for export from any point west of Fort William to Vancouver or Prince Rupert over any line of railway of the company; and
- (e) on grain or grain products moving from any point west of Armstrong to Armstrong over any line of railway of the company.

Rapeseed.

(3) For the purpose of this section and section 328 and the Act and agreements therein referred to, the expression 'grain' includes rapeseed and the rates applicable to the movement of rapeseed from any point referred to in subsection (2) or section 328 after the coming into force of this section shall not exceed the rates applicable to flaxseed.

Rate differential study.

471. Not later than six months after the coming into force of Part I of the *National Transportation Act*, or this section, whichever last occurs, the Commission shall undertake a study of the differences between rates on grain moving for export to ports in British Columbia and rates on grain moving otherwise to such ports, and shall report to the Governor in Council for such action as he deems desirable or expedient in the public interest.

Crown representative.

472. Where in any proceedings before the Commission under this Act the matter of the revenues or costs of a railway company under the jurisdiction of Parliament is under investigation, any Minister of the Crown in right of Canada may cause representations to be made thereon to the Commission by persons having knowledge of costing principles or matters that appear to such Minister to be relevant to the determination of railway revenues and costs."

R.S., c. 271.

75. Section 34 of the *Transport Act* is repealed and the following substituted therefor:

Rights and obligations preserved.

"34. Nothing in this Part affects any right or obligation granted or imposed by the *Maritime Freight*

Rates Act or by Term 32 of the Terms of Union of Newfoundland with Canada, or by subsection (9) of section 319 or section 328 or 329 of the *Railway Act*."

76. The *Canadian National-Canadian Pacific Act* is repealed. R.S., c. 39;
1955, c. 29,
s. 47.

77. (1) Paragraph (a) of subsection (1) of section 22 of the *Canadian National Railways Act* is repealed and the following substituted therefor: 1955, c. 29;
1960-61, c. 28.

"(a) if the line, branch or extension does not exceed twenty miles in length, and"

(2) Paragraph (a) of subsection (2) of section 39 of the *Canadian National Railways Act* is repealed.

78. Subsection (4) of section 1 of *An Act to amend the Railway Act*, chapter 40 of the Statutes of 1958, as amended by section 3 of *An Act to amend the Railway Act*, chapter 28 of the Statutes of 1963, is repealed and the following substituted therefor:

"(4) Notwithstanding subsection (2) of this section, with respect to any costs incurred in placing reflective markings on the sides of railway cars during the period of twelve years from the 31st day of January, 1958 and with respect to any work for the protection, safety and convenience of the public in respect of crossings ordered or authorized within that period under section 265 of the *Railway Act*, subsection (2) of section 265 of that Act shall be deemed to read as follows: Special provisions for twelve years.

"(2) The total amount that may be applied towards the cost of placing reflective markings on the sides of railway cars shall not exceed eighty per cent of such cost, and the total amount that may be applied towards the cost of work actually done in respect of any one crossing shall not exceed Limit on amounts.

(a) in the case of a crossing at rail level, the aggregate of

(i) eighty per cent of the cost of the work (except the relocation of a public utility plan that is part of the work) or five hundred thousand dollars, whichever is the lesser, and

(ii) eighty per cent of the cost of such relocation, and

- (b) in the case of reconstruction and improvement of a grade separation, the aggregate of
 - (i) fifty per cent of the cost of the work (except the relocation of a public utility plan that is part of the work) or two hundred and fifty thousand dollars, whichever is the lesser, and
 - (ii) fifty per cent of the cost of such relocation”.”

Saving
provision.

79. Notwithstanding anything in the *Railway Act* as amended by this Part, all tolls, rates, charges or tariffs and all regulations, rules, orders, directions and approvals of the Board of Transport Commissioners for Canada in effect immediately before the coming into force of this Part, except such regulations, rules, orders, directions and approvals as are inconsistent with the *Railway Act* as amended by this Part, continue in full force and effect until amended or replaced pursuant to the *Railway Act* as so amended.

PART VI.

TRANSITIONAL PROVISIONS.

Board of Transport Commissioners.

Members of
Board of
Transport
Commis-
sioners.

80. (1) Upon the coming into force of Part I, a person who, immediately before the coming into force of that Part, was a member of the Board of Transport Commissioners for Canada becomes a member of the Canadian Transport Commission with like effect as though he had been appointed thereto under Part I on the day that he was last appointed to the Board of Transport Commissioners for Canada.

Employees
of Board of
Transport
Commis-
sioners.

(2) Upon the coming into force of Part I, the officers and employees of the Board of Transport Commissioners for Canada are transferred to the Canadian Transport Commission.

Chief
Commis-
sioner.

81. (1) Sections 23, 24, 27, 29 and 30 of the *Judges Act* apply in respect of the person who immediately before the coming into force of Part I held the office of Chief Commissioner of the Board of Transport Commissioners for Canada as though his service in that office and any subsequent service as a member of the Canadian Transport Commission were service in the office of a judge of the Exchequer Court, and notwithstanding anything in the *Public Service Superannuation Act* such person is not a member of the public service for the purposes of that Act.

(2) Where after the coming into force of Part I, the person referred to in subsection (1)

May become
judge of
Exchequer
Court.

(a) resigns as a member of the Canadian Transport Commission before attaining the age of seventy-five years, or

(b) ceases to be a member of the Canadian Transport Commission by reason of the expiration of his term of office before he has attained the age of seventy-five years,

he becomes, at the time he resigns or at the time such term expires and without any appointment pursuant to the *Exchequer Court Act*, a puisne judge of the Exchequer Court, in addition to the number of judges of that Court provided for in the *Exchequer Court Act* and the *Judges Act*, with the same jurisdiction, tenure of office and salary as other puisne judges of the Exchequer Court; and for the purposes of sections 23 and 24 of the *Judges Act* his period of service as Chief Commissioner of the Board of Transport Commissioners for Canada and as a member of the Canadian Transport Commission shall be added to his period of service as judge of the Exchequer Court, and for the purposes of section 34 of the *Judges Act* his salary as a puisne judge of the Exchequer Court shall be deemed to be payable under that Act.

(3) Notwithstanding the repeal of section 10 of the *Railway Act* by this Act, subsection (5) of that section continues to apply in respect of the person referred to in subsection (1) of this section.

Idem.

(4) Notwithstanding any provision of Part I, the person referred to in subsection (1) shall, during his tenure of office as a member of the Canadian Transport Commission, if he is not appointed to hold the office of President or vice-president of that Commission, be appointed to and hold the office of Chairman of the Railway Transport Committee of the Commission and shall not during his tenure of office as a member of that Commission be paid any less salary than he received as Chief Commissioner of the Board of Transport Commissioners for Canada immediately before the coming into force of Part I.

Status of
former
Chief Com-
missioner.

Air Transport Board.

82. (1) Upon the coming into force of Part I, a person who, immediately before the coming into force of that Part, was a member of the Air Transport Board becomes a member of the Canadian Transport Commission with like effect as though he had been appointed thereto under Part I on the day that he was last appointed to the Air Transport Board.

Members of
Air Transport
Board.

Employees of Air Transport Board.

(2) Upon the coming into force of Part I, the officers and employees of the Air Transport Board are transferred to the Canadian Transport Commission.

Status of former Chairman of Air Transport Board.

83. Notwithstanding any provision of Part I, the person who immediately before the coming into force of that Part held the office of Chairman of the Air Transport Board shall, during his tenure of office as a member of the Canadian Transport Commission, if he is not appointed to hold the office of President or vice-president of that Commission, be appointed to and hold the office of Chairman of the Air Transport Committee of that Commission and shall not during his tenure of office as a member of that Commission be paid any less salary than he received as Chairman of the Air Transport Board immediately before the coming into force of Part I.

Canadian Maritime Commission.

Members of Canadian Maritime Commission.

84. (1) Upon the coming into force of Part I, a person who, immediately before the coming into force of that Part, was a member of the Canadian Maritime Commission becomes a member of the Canadian Transport Commission with like effect as though he had been appointed thereto under Part I on the day that he was last appointed to the Canadian Maritime Commission.

Status of former Chairman of Canadian Maritime Commission.

(2) Notwithstanding any provision of Part I, the person who immediately before the coming into force of that Part held the office of Chairman of the Canadian Maritime Commission shall, during his tenure of office as a member of the Canadian Transport Commission, if he is not appointed to hold the office of President or vice-president of that commission, be appointed to and hold the office of Chairman of the Water Transport Committee of that Commission and shall not during his tenure of office as a member of that Commission be paid any less salary than he received as Chairman of the Canadian Maritime Commission immediately before the coming into force of Part I.

Employees of Canadian Maritime Commission.

85. (1) Upon the coming into force of Part I, the officers and employees of the Canadian Maritime Commission, other than those officers and employees referred to in subsection (2), are transferred to the Canadian Transport Commission.

Designated personnel.

(2) The Governor in Council may by order designate persons who before the coming into force of Part I were employed by the Canadian Maritime Commission in duties related to matters assigned to the Minister of Industry to be members of the staff of the Department of

Industry and, upon such designation, those persons shall be deemed to have been transferred to the Department of Industry on that date, but no person by reason only of such transfer is eligible to be certified as permanent by the Civil Service Commission.

Offices generally.

86. Nothing in subsection (4) of section 6 shall be construed to require any person who becomes a member of the Commission by virtue of section 80, 82 or 84 to vacate his office on the Commission before he attains such age or completes such service therein as would have required his vacating his office on the Board of Transport Commissioners for Canada, the Air Transport Board or the Canadian Maritime Commission, as the case may be, under the Acts that governed those Boards and that Commission before the coming into force of Part I.

Saving of
service
periods.

Statutes.

87. Where pursuant to

- (a) any *Appropriation Act* for the fiscal year ending the 31st day of March, 1967, based on estimates 1966-67, or
- (b) any *Appropriation Act* passed before the coming into force of Part I,

any duty was imposed or any power was given to the Board of Transport Commissioners for Canada, the Air Transport Board or the Canadian Maritime Commission, that duty or power shall or may be exercised by the Canadian Transport Commission, unless the Governor in Council designates a member of the Queen's Privy Council for Canada to exercise such duty or power.

Powers and
duties under
*Appropriation
Acts.*

88. Whenever under any Act not expressly amended by this Act, or under any order, rule or regulation or any contract, lease or other document, any power, duty or function is vested in or exercisable by the Board of Transport Commissioners for Canada, the Air Transport Board or the Canadian Maritime Commission, or the Chief Commissioner, Chairman or other commissioner or member thereof or any officer thereof, that power, duty or function is vested in and shall or may be exercised by the Canadian Transport Commission, the President or other appropriate member or officer thereof, unless the Governor in Council by order designates a Minister of the Crown or Deputy Minister of a department of the public service of Canada to exercise any such power, duty or function.

Other duties
and powers.

Matters Pending.

Pending proceedings.

89. (1) Where on the day that Part I comes into force any proceedings were pending before the Board of Transport Commissioners for Canada, the Air Transport Board or the Canadian Maritime Commission, hereinafter in this section respectively referred to as the "former authority", the proceedings shall be taken up and continued under and in conformity with the provisions of Part I, so far as consistently may be; but where on the coming into force of Part I any matter was in course of being heard or investigated by the former authority or had been heard or investigated by the former authority but no order or decision had been rendered thereon, the former authority shall continue to exist, notwithstanding Part I, for the purpose of completing the hearing or investigation and making an order or rendering a decision, as the case may be.

Authority continued.

(2) For the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or investigated before the coming into force of Part I, the former authority shall complete the hearing or investigation in accordance with the authority vested in it immediately before the coming into force of Part I and make such order, rule or direction as it could have made under the authority vested in it immediately before the coming into force of Part I.

Entering orders, etc.

(3) An order, rule or direction made or given by a former authority pursuant to this section shall be entered as an order, rule or direction of the Canadian Transport Commission and have the same force or effect as if it had been made or given by that Commission pursuant to the authority vested therein under Part I.

Regulations, Rules, Orders and Directions.

Continuation of orders, etc.

90. All regulations, rules, orders and directions made under the provisions of any Act of the Parliament of Canada by the Board of Transport Commissioners for Canada or the Air Transport Board and in force on the coming into force of Part I continue in force until repealed, replaced or rescinded by, or as amended or varied by, the Canadian Transport Commission under the provisions of this Act, the *Railway Act*, the *Aeronautics Act* or any other Act of the Parliament of Canada.

Idem.

91. All regulations, rules, orders or directions of the Board of Transport Commissioners for Canada made under the *Bridges Act*, and in force on the coming into force of Part IV continue in force until repealed, replaced or

rescinded by, or as amended or varied by, the Minister of Public Works under the *Bridges Act*.

Special Transitional Provisions.

92. If Parts II, III, and V or any of those Parts come into force before the day that Part I comes into force, a reference in that Part that is so in force to the Canadian Transport Commission shall be deemed, until Part I comes into force, to be a reference to the Board of Transport Commissioners for Canada.

Meaning of
"Commis-
sion."

Miscellaneous.

93. Paragraph (e) of subsection (1) of section 6 of the *Aeronautics Act* is repealed and the following substituted therefor:

R.S., c. 2;
R.S., c. 302.

"(e) "hire or reward" means any payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft;"

"Hire or
reward."

94. The Acts and portions of Acts set out in the Schedule are repealed or amended in the manner and to the extent indicated in the Schedule.

Amend-
ments and
repeals.

Commencement.

95. (1) Except as otherwise expressly provided in this Act, the several Parts of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

Coming
into force.

(2) Sections 80 to 90 and section 94 shall come into force on the day that Part I comes into force.

Sections 80
to 90.

(3) Part IV and sections 1, 91, 92, 93 and this section shall come into force on the day that this Act is assented to.

Other
sections.

SCHEDULE.

(Section 94)

Amendments and Repeals.

Act affected.	Repeal or amendment.
Aeronautics Act R.S., c. 2	<ol style="list-style-type: none"> Paragraph (k) of subsection (1) of section 4 is amended by substituting the Canadian Transport Commission for the Air Transport Board. Paragraph (c) of subsection (1) of section 6 is repealed and the following substituted therefor: “(c) “Commission” means “the Canadian Transport Commission;” Section 7, subsections (3) to (5) of section 8, section 9, subsections (4a), (11), (12) and (13) of section 15, sections 19, 21 and 24 are repealed. The word “Commission” is substituted for the word “Board” wherever that latter word occurs.
Canadian Maritime Commission Act R.S., c. 38	Repealed.
Canadian National Railways Act 1955, c. 29	Paragraph (a) of section 2 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.
Corporations and Labour Unions Returns Act 1962, c. 26	Paragraphs 14 and 15 of the Schedule are amended by substituting the Canadian Transport Commission for the Air Transport Board and the Board of Transport Commissioners for Canada, respectively.
Dominion Water Power Act R.S., c. 90	Subsection (1) of section 7 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.
Exchequer Court Act R.S., c. 98	Subsection (1) of section 26 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.
Government Railways Act R.S., c. 136	Section 15 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.

SCHEDULE.—*Continued*

(Section 94)

Amendments and Repeals.

Act affected.	Repeal or amendment.
Income Tax Act R.S., c. 148	Subsection (3) of section 84A is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.
Lord's Day Act R.S., c. 171	Paragraph (x) of section 11 is repealed and the following substituted therefor: “(x) any work that the Canadian Transport Commission, having regard to the object of this Act, and with the object of preventing undue delay, deems necessary to permit in connection with the freight traffic of any transportation undertaking.”
National Energy Board Act 1959, c. 46	Subsection (1) of section 76 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.
Railway Act R.S., c. 234	<ol style="list-style-type: none"> 1. Paragraph (1) of section 2 is repealed and the following substituted therefor: “(1) “Commission” means the Canadian Transport Commission;” 2. Subsection (2) of section 12 is repealed. 3. Sections 9 to 11, 14 to 17, 22 to 29 and section 31 are repealed. 4. The word “Commission” is substituted for the word “Board” wherever that latter word occurs in any sections or parts thereof not expressly amended by Part V of this Act or this paragraph, unless in the context in which that word is used the former Board of Transport Commissioners for Canada is intended to be referred to. 5. The words “President” and “a vice-president” are substituted, respectively, for the words “Chief Commissioner” and “the Assistant Chief Commissioner” wherever these latter designations occur in any sections or parts thereof not expressly amended by Part V or this paragraph.

SCHEDULE.—*Concluded*

(Section 94)

Amendments and Repeals.

Act affected.	Repeal or amendment.
St. Lawrence Seaway Authority Act R.S., c. 242	Section 15 is amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.
Telegraphs Act R.S., c. 262	Sections 31, 32 and 33 are amended by substituting the Canadian Transport Commission for the Board of Transport Commissioners for Canada.
Transport Act R.S., c. 271	<ol style="list-style-type: none"> 1. Subsection (1) of section 2 is amended by repealing paragraph (b) thereof and by substituting therefor the following: “(b) “Commission” means the Canadian Transport Commission;” 2. The word “Commission” is substituted for the word “Board” wherever that latter word occurs.

ROGER DUHAMEL, F.R.S.C.

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY

OTTAWA, 1967

CHAP. 70

An Act to establish the Canada Deposit Insurance Corporation.

[Assented to 17th February, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canada Deposit Insurance Corporation Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | | |
|-----|--|--------------------------------|
| (a) | "bank" means a bank to which the <i>Bank Act</i> or the <i>Quebec Savings Banks Act</i> applies; | Definitions.
"Bank." |
| (b) | "by-laws" means the by-laws of the Corporation; | "By-laws." |
| (c) | "Chairman" means Chairman of the Board of Directors of the Corporation; | "Chairman." |
| (d) | "Corporation" means the Canada Deposit Insurance Corporation established by this Act; | "Corporation." |
| (e) | "deposit" means a deposit as defined by the by-laws of the Corporation; | "Deposit." |
| (f) | "federal institution" means a bank or company referred to in section 9; | "Federal institution." |
| (g) | "member institution" means a corporation any of whose deposits are insured by the Corporation pursuant to this Act; | "Member institution." |
| (h) | "Minister" means the Minister of Finance; | "Minister." |
| (i) | "policy of deposit insurance" or "policy" means the instrument evidencing a contract of deposit insurance with a provincial institution; and | "Policy of deposit insurance." |

“Provincial institution.” (j) “provincial institution” means a company referred to in section 10.

CONSTITUTION.

Corporation established. **3.** (1) There is hereby established a corporation, to be known as the Canada Deposit Insurance Corporation, having power to acquire, hold and alienate real and personal property.

Agent of Her Majesty. (2) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Property. (3) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.

Proceedings. (4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty.

Head office. **4.** (1) The head office of the Corporation shall be at the City of Ottawa.

Offices and agents. (2) The Corporation may establish offices or employ agents in any part of Canada.

Board of directors. **5.** (1) There shall be a Board of Directors of the Corporation consisting of the person appointed as the Chairman and the persons who for the time being hold, respectively, the offices of the Governor of the Bank of Canada, the Deputy Minister of Finance, the Superintendent of Insurance and the Inspector General of Banks.

Alternate director. (2) In the event of the absence or incapacity of any director other than the Chairman, the Minister may appoint, for a period not exceeding thirty days, an alternate for such director who shall serve on the Board of Directors during such absence or incapacity and who shall, while so serving, be deemed to be a member of the Board of Directors.

Vacancy. (3) A vacancy on the Board of Directors does not impair the right of the remainder to act.

Acting chairman. (4) Where the office of Chairman is vacant, the Minister may appoint, for a period not exceeding ninety days, an acting Chairman who shall, while so acting, be a member of the Board of Directors and have and exercise all the powers of the Chairman.

Travelling allowances. (5) A member of the Board of Directors of the Corporation shall be paid by the Corporation reasonable

travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a director, but no director other than the Chairman shall receive any other remuneration for his services on the Board of Directors.

6. (1) The Governor in Council, on the recommendation of the Minister, shall appoint a person of proven financial ability to be Chairman of the Board of Directors. Chairman.

(2) The Chairman shall be appointed to hold office during good behaviour for a term of five years but may be re-appointed on the expiry of his term of office and may be removed at any time by the Governor in Council for cause. Term of office.

(3) No person is eligible to be appointed or to continue as Chairman who Disqualification.

(a) is not a Canadian citizen ordinarily resident in Canada;

(b) is a member of the Senate or House of Commons of Canada or a member of a provincial legislature;

(c) is a director, officer or employee of a federal institution or provincial institution; or

(d) has reached the age of seventy-five years.

(4) The Chairman shall preside at all meetings of the Board of Directors but where at any meeting the Chairman is absent, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and shall exercise the powers of the Chairman. Presiding at meetings.

(5) The Chairman of the Board of Directors shall be paid by the Corporation such remuneration as may be fixed by the Governor in Council. Remuneration of Chairman.

CAPITAL.

7. (1) The authorized capital of the Corporation is ten million dollars divided into ten shares of the par value of one million dollars each. Authorized capital.

(2) The Minister shall subscribe for the ten shares of the capital stock of the Corporation and shall pay the amount of such subscription out of the Consolidated Revenue Fund at such time as the Corporation may require. Subscription.

(3) The shares of the capital stock of the Corporation are not transferable and shall be registered in the books of the Corporation in the name of the Minister and held by him in trust for Her Majesty. Shares not transferable.

OBJECTS, POWERS AND DUTIES.

- Objects. **8.** The objects of the Corporation are
- (a) to provide, for the benefit of persons having deposits with member institutions, insurance (herein referred to as "deposit insurance") against the loss of part or all of such deposits, by making payment to such persons to the extent and in the manner authorized by this Act;
 - (b) to provide the deposit insurance required by this Act for federal institutions and to enter into contracts of deposit insurance with provincial institutions;
 - (c) to examine into the affairs of member institutions for the purpose of obtaining information relative to deposit insurance; and
 - (d) to accumulate, manage and invest a deposit insurance fund and any other funds accumulated as the result of its operations.

- Federal institutions. **9.** For the purposes of this Act, the following are federal institutions:
- (a) a bank;
 - (b) a company incorporated by or pursuant to an Act of the Parliament of Canada that accepts deposits from the public and to which the *Trust Companies Act* or the *Loan Companies Act* applies; and
 - (c) a company the incorporation of which is continued by or pursuant to an Act of the Parliament of Canada that accepts deposits from the public and to which the *Trust Companies Act* or the *Loan Companies Act* applies.

- Provincial institutions. **10.** For the purposes of this Act, an incorporated company that carries on, under a provincial Act or a constating instrument under provincial jurisdiction, the business of a trust company within the meaning of the *Trust Companies Act* or the business of a loan company within the meaning of the *Loan Companies Act*, or both such businesses, and that accepts deposits from the public is a provincial institution.

- Powers of Corporation. **11.** The Corporation may do all things necessary or incidental to the objects of the Corporation and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance of its objects,

- (a) acquire assets from a member institution, make loans or advances to a member institution and take security therefor and guarantee loans to or deposits with a member institution, for the purpose of reducing a risk to the Corporation or reducing or averting a threatened loss to the Corporation;
- (b) borrow moneys from the Government of Canada and issue bonds and debentures therefor;
- (c) act as a curator of a bank or liquidator or receiver of a member institution when duly appointed as such and appoint qualified and competent persons, whether employees or not of the Corporation, to carry out any or all of the functions of the Corporation as curator, liquidator or receiver;
- (d) assume the costs of a winding-up of a member institution when the Corporation is appointed to act as a liquidator in the winding-up, or assume the costs of the receiver when the Corporation is appointed to act as such, and charge the same to the Accumulated Net Earnings of the Corporation;
- (e) acquire assets of a member institution from a liquidator or receiver thereof;
- (f) make an advance for the purpose of paying a claim, against a member institution for which the Corporation is acting as receiver or liquidator, in respect of any insured deposit and becoming subrogated as an unsecured creditor for the amount of such advance;
- (g) make or cause to be made such inspections of a member institution as may be authorized under this Act or the policy of deposit insurance; and
- (h) do all such other things, not contrary to this Act, as may be necessary for the exercising of any of the powers of the Corporation.

12. (1) The Board of Directors of the Corporation shall administer the affairs of the Corporation in all things and make, or cause to be made, for the Corporation any description of contract that the Corporation may by law enter into; and, subject to the approval of the Governor in Council, the Board of Directors may make by-laws, not contrary to law or this Act, for

Powers of
directors
and
by-laws.

- (a) the administration, management and control of the property and affairs of the Corporation;
- (b) the functions, duties and remuneration of all officers, agents and employees of the Corporation;

- (c) the appointment or disposition of any special committees from time to time created for the purposes of the Corporation;
- (d) the issue of the shares of the Corporation;
- (e) the declaration and payment of dividends;
- (f) the time and place for the holding of meetings of the directors, the quorum at such meetings and the procedure in all things at such meetings;
- (g) defining the expression "deposit" for the purpose of this Act;
- (h) prescribing standards of sound business and financial practices for member institutions;
- (i) authorizing and controlling the use by member institutions of marks, signs, advertisements or other devices indicating that deposits with such institutions are insured by the Corporation; and
- (j) the conduct in all other particulars of the affairs of the Corporation.

Inspection powers.

(2) In carrying out any inspection authorized by this Act or by a policy of deposit insurance, the directors of the Corporation have all the powers conferred upon commissioners appointed under Part II of the *Inquiries Act* for the purpose of obtaining evidence under oath, and the directors may delegate such powers as occasion requires.

DEPOSIT INSURANCE.

Duty to insure.

13. (1) The Corporation shall insure each deposit with a member institution except

- (a) a deposit that is not payable in Canada or in Canadian currency;
- (b) a deposit in respect of which Her Majesty in right of Canada would be a preferred claimant; and
- (c) so much of any one deposit as exceeds twenty thousand dollars.

How payment to be made.

(2) Where the Corporation is obliged to make payment in respect of any deposit insured by deposit insurance, the Corporation as soon as possible after the obligation arises shall, in respect of such deposit, make payment to such person as appears entitled thereto by the records of the member institution with which the deposit was made,

- (a) by making available to such person a transferred deposit with another member institution for so much of his deposit as is insured by the Corporation; or

- (b) by paying such person an amount in money equal to so much of his deposit as is insured by the Corporation.

(3) Payment under this section by the Corporation in respect of any deposit insured by deposit insurance discharges the Corporation from all liability in respect of that deposit, and in no case is the Corporation under any obligation to see to the proper application in any way of the payment so made.

Discharge of liability.

(4) Where the Corporation makes a payment under this section in respect of any deposit with a member institution, the Corporation is subrogated, for so much of that deposit as is insured by the Corporation, to all the rights and interest of the depositor as against that member institution.

Subrogation.

14. (1) The deposits with a federal institution that is carrying on business on the day that this section comes into force shall be insured by the Corporation from and after that day in accordance with this Act and the by-laws.

Insuring federal institutions.

(2) When a federal institution commences business after the coming into force of this section, the deposits with the federal institution shall be insured by the Corporation in accordance with this Act and the by-laws from and after the day that the federal institution commences business.

New federal institutions.

(3) When a company becomes a federal institution after the coming into force of this section, the deposits with the company shall be insured by the Corporation in accordance with this Act and the by-laws from and after the day that the company becomes a federal institution, and if the company was immediately prior to that day a member institution by virtue of an existing contract of deposit insurance with the Corporation, the contract shall be taken to have been replaced by the insurance provided pursuant to this section.

When status otherwise acquired.

(4) When any federal institution becomes insured under this section, the Corporation shall

Certificate and premiums.

- (a) issue to the federal institution a certificate of deposit insurance in the form prescribed by the by-laws, and
- (b) assess and collect from the federal institution a premium in accordance with section 19.

(5) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

Commencement of section.

15. A premium assessed by the Corporation against a federal institution for the purposes of this Act constitutes a debt owing to Her Majesty in right of Canada and the

Premiums recoverable from federal institutions.

amount thereof together with any interest levied by the Corporation as an overdue charge is recoverable by action in any court of competent jurisdiction.

Insurance of
provincial
institutions.

16. On the application of a provincial institution therefor, the Corporation may insure the deposits with the provincial institution in the manner and to the extent provided in this Act and the by-laws, if

- (a) the provincial institution is authorized by the province of its incorporation to apply for deposit insurance;
- (b) the provincial institution agrees, in carrying on its business, not to exercise powers substantially different from the powers exercisable by a trust company under the *Trust Companies Act* and a loan company under the *Loan Companies Act*; and
- (c) the Corporation approves the provincial institution for a policy of deposit insurance.

Form and
contents.

17. (1) The application of a provincial institution for deposit insurance shall be in such form as may be prescribed by the by-laws.

Evidence of
contract.

(2) A contract of deposit insurance with a provincial institution shall be evidenced by an instrument in writing.

Form of
policy.

(3) A policy of deposit insurance shall be in such form and contain such provisions, not inconsistent with this Act, as may be prescribed by the by-laws.

Deposit
Insurance
Fund.

18. All premiums received by the Corporation shall be credited to a Deposit Insurance Fund to be maintained by the Corporation.

Assessment of
premium.

19. (1) The Corporation shall each year assess and collect from each member institution an annual premium equal to the greater of

- (a) five hundred dollars; or
- (b) one-thirtieth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in that year and insured by the Corporation.

Returns.

(2) The premium payable by a member institution shall be based on returns to be certified by the member institution and submitted in such form, and at such time, as the Corporation may require.

Payable in
instalments.

(3) One-half of the premium payable by a member institution shall be paid to the Corporation on or

before the 30th day of June in the year for which the premium is payable and the balance shall be paid to the Corporation, without interest, on or before the 31st day of December in that year.

(4) Notwithstanding subsection (1), a premium Saving.
equal to one-half of the amount of the annual premium under subsection (1) is payable by a member institution with respect to its deposits on the 31st day of October in any year that are insured by the Corporation, if the member institution is first insured under this Act within the six-month period immediately preceding that day.

(5) Notwithstanding subsection (1) where, in Reduced premium.
the opinion of the Corporation, the Deposit Insurance Fund at the end of a financial year of the Corporation is adequate having regard to all the circumstances, the Corporation may reduce the amount of the premiums to be paid by member institutions in the next following year but a reduced premium to be paid by a member institution in that year shall not be less than the greater of

(a) five hundred dollars; or

(b) an amount that, together with the aggregate of the amounts previously paid by the member institution by way of premiums, would equal one-sixth of one per cent of the total amount of such deposits as are deposited with the member institution as of the 30th day of April in that year and insured by the Corporation.

(6) Notwithstanding anything in this section, Overdue charges.
the Corporation may charge interest not in excess of ten per cent per annum on the amount of any premium not paid on or before the due date thereof.

20. (1) The Corporation shall maintain an account Accumulated Net Earnings.
to be known as the Accumulated Net Earnings to which shall be credited all earnings including realized profits on sale of securities and to which shall be charged all operating expenses, losses and specific provisions for losses in respect of insurance operations and losses on sale of securities.

(2) The Accumulated Net Earnings shall be Separate items in report.
reported as a separate item in any statement of assets and liabilities of the Corporation and shown as an addition to or a deduction from the Deposit Insurance Fund.

INSPECTION OF MEMBER INSTITUTIONS.

21. (1) The Inspector General of Banks shall, Annual inspection of banks.
notwithstanding any other Act of the Parliament of Canada, examine on behalf of the Corporation the affairs

of each bank at such times as the Corporation may require but no less frequently than once in each year.

Federal trust
and loan
companies.

(2) The Superintendent of Insurance shall, notwithstanding any other Act of the Parliament of Canada, examine on behalf of the Corporation the affairs of each trust company to which the *Trust Companies Act* applies and each loan company to which the *Loan Companies Act* applies at such times as the Corporation may require but no less frequently than once in each year.

Provincial
institutions.

22. Where the Corporation enters into a contract of deposit insurance with a provincial institution, the policy shall provide that a person designated by the Corporation shall be permitted to examine the affairs of the company at least once in each year and at such other times as the Corporation may require; and the Corporation shall cause an examination of the affairs of the company to be made at least once in each year.

Contents of
examiner's
report.

23. After each examination of the affairs of a member institution, the person who made the examination on behalf of the Corporation shall report to the Corporation whether or not, in his opinion, there has been any change in the circumstances of the member institution that might materially affect the position of the Corporation as an insurer and particularly, without limiting the generality of the foregoing, whether or not, in his opinion,

- (a) the returns made by the member institution and on which its premiums were based are correct;
- (b) the operations of the member institution are being conducted in accordance with sound business and financial practices; and
- (c) the member institution is in a satisfactory financial condition.

Reporting
defects or
breaches.

24. Where in the opinion of the Corporation a member institution that is a federal institution

- (a) is following unsound business or financial practices, or
- (b) is in breach of any by-laws of the Corporation applicable thereto,

the Corporation shall, in writing and by registered mail, report the same to the president or chairman of the board of directors of the member institution and he shall cause the report to be presented to a meeting of the directors within a period of thirty days after its date of receipt and the report shall be incorporated in the minutes of that meeting of the directors.

TERMINATION AND CANCELLATION OF INSURANCE.

25. (1) Where, in the case of a provincial institution to which a report similar to the report mentioned in section 24 has been made with regard to unsound business or financial practices or a breach of any conditions of its policy of insurance, the progress made by the member institution in removing the unsound business or financial practices or in remedying the breach of the conditions of its policy is not satisfactory to the Corporation, the Corporation shall give such member institution not less than thirty days' notice of the termination of its policy of deposit insurance. Notice of termination.

(2) A copy of the notice of termination referred to in subsection (1) shall be sent forthwith to the appropriate Minister of the Crown of the province exercising jurisdiction over the affairs of the member institution. Notice to Ministers.

(3) The policy of deposit insurance of the member institution shall be terminated on the expiration of the period specified in the notice under subsection (1) unless Termination of policy.

(a) before the expiration of that period the Corporation is satisfied that the member institution has taken the necessary action to remove the unsound business or financial practices or to remedy the breach of the conditions of its policy; or

(b) before the expiration of that period the appropriate provincial Minister requests an extension of the period to enable the necessary remedial action to be taken, in which case the termination may be deferred by the Corporation for a further period not exceeding sixty days.

(4) Where within either of the periods mentioned in subsection (3), the Corporation is satisfied that the member institution has taken the necessary action to remove the unsound business or financial practices or to remedy the breach of the conditions of its policy, the Corporation may revoke its notice of termination of the policy. Revoking notice.

26. (1) A member institution that is a provincial institution may terminate a policy of deposit insurance by giving such notice of termination as may be required by the policy. Termination by provincial institution.

(2) Unless the policy of the member institution otherwise provides, section 28 applies in respect of deposits with the provincial institution on its termination of its policy. Effect of termination.

Cancellation.

27. The deposit insurance of a member institution may be cancelled forthwith by the Corporation

- (a) when in the opinion of the Corporation the member institution is insolvent; or
- (b) when the member institution ceases to accept deposits.

Effect of cancellation.

28. When the deposit insurance of a member institution is terminated or cancelled by the Corporation, the deposits with the member institution on the day the termination or cancellation takes effect, less any withdrawals from such deposits, continue to be insured under the terminated or cancelled deposit insurance for a period of two years or, in the case of a term deposit with a remaining term exceeding two years, to the maturity thereof.

Creditor remedies available.

29. (1) Where in the opinion of the Corporation a member institution is or is about to become insolvent, the Corporation may, for the protection of the public interest, initiate and take any measures or proceedings that a creditor of the member institution may initiate or take under law to preserve the assets of the member institution, to have it wound-up or to petition for a receiving order under the *Bankruptcy Act*.

Presumption.

(2) For the purposes of this section, the Corporation shall be deemed to be a creditor of a member institution notwithstanding that the deposit insurance in respect thereof has been cancelled.

Removal of references to deposit insurance.

30. (1) Where the deposit insurance of any member institution has been terminated or cancelled, as the case may be, the member institution shall notify its depositors of that fact and shall remove all references to deposit insurance under this Act from all forms of advertising by the member institution.

Public notice.

(2) The Corporation may, in such manner and through such news media as it deems expedient, give public notice of the termination or cancellation of any deposit insurance of a member institution if in the opinion of the Corporation the public interest requires that such notice be given.

FINANCIAL.

Financial year.

31. The financial year of the Corporation shall end on the expiration of the 31st day of December in each year.

Bankers of the Corporation.

32. (1) Subject to subsection (2), receipts of the Corporation shall be deposited in the Bank of Canada to

the credit of the Corporation and may be withdrawn therefrom as the Corporation requires.

(2) The Corporation may deposit funds with a bank when the Corporation is acting as a curator of a bank or as a liquidator or receiver or otherwise as it deems it necessary to do so for any of its purposes. Other deposits.

(3) On instructions from the Corporation, the Bank of Canada shall Duty of Bank of Canada.

(a) invest or re-invest the funds of the Corporation in securities of the Government of Canada;

(b) hold securities in safekeeping for the Corporation; and

(c) collect for the account of the Corporation the income from any securities held by it for the Corporation.

33. (1) The Corporation may declare and pay a dividend on its share capital at an annual rate equal to the rate of interest at which the Government of Canada is prepared, at the date the dividend is declared by the Corporation, to lend to a Crown corporation within the meaning of paragraph (c) of subsection (1) of section 76 of the *Financial Administration Act*. Dividend.

(2) The annual dividend shall be charged to the Accumulated Net Earnings, but a dividend may only be declared and paid in respect of a financial year of the Corporation in which the amount standing to the credit of the Accumulated Net Earnings is sufficient to meet the total amount of the dividend so declared. Paying and charging dividend.

34. The Governor in Council may from time to time authorize the Minister of Finance to advance, out of any unappropriated moneys in the Consolidated Revenue Fund, amounts to the Corporation by way of loan on such terms and conditions as the Governor in Council may determine, but the aggregate of such loans outstanding at any time shall not exceed five hundred million dollars. Loans from C.R.F.

35. The accounts and financial transactions of the Corporation shall be audited annually by the Auditor General of Canada. Audit.

STAFF.

36. (1) The Corporation may, notwithstanding any other Act, employ such officers, agents and employees as are necessary for the purposes of the Corporation and, except as provided by section 37, such officers, agents and employees shall be deemed not to be employed in the public service of Canada. Employment of staff.

Oath of
fidelity and
secrecy.

(2) Each officer, agent or employee of the Corporation shall, before entering upon his duties with the Corporation, take an oath of fidelity and secrecy in the form prescribed by the by-laws.

Use of
departmental
facilities.

(3) In carrying out its functions under this Act, the Corporation may, with the approval of the Minister, make use of the personnel, facilities and services of the Department of Insurance and the Department of Finance to any extent not incompatible, in the opinion of the Minister, with the administration of those Departments.

*Public
Service
Superannua-
tion Act.*

37. (1) The officers and employees of the Corporation shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act* and the Corporation shall be deemed to be a Public Service corporation for the purposes of section 23 of that Act.

Application of
other Acts.

(2) For the purposes of the *Government Employees Compensation Act* and any regulation made pursuant to section 5 of the *Aeronautics Act*, the Chairman and employees of the Corporation shall be deemed to be employees in the public service of Canada.

Superan-
nuation.

(3) The *Public Service Superannuation Act* does not apply to the Chairman unless the Governor in Council otherwise directs, or to the director of the Corporation who holds the office of Governor of the Bank of Canada.

WINDING-UP.

Insolvency
and
winding-up.

38. No statute relating to the insolvency or winding-up of any body corporate applies to the Corporation and in no case shall the affairs of the Corporation be wound-up unless Parliament so provides.

OFFENCES.

False state-
ments.

39. (1) Every director, officer or employee of a bank or company and every auditor thereof who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank or company required by the Corporation for the purposes of this Act and containing any false or deceptive information, or any return that does not present fairly information required by the Corporation for the purposes of this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Idem.

(2) Every director, officer or employee of a bank or company and every auditor thereof who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs

of the bank or company required by the Corporation for the purposes of this Act and containing any false or deceptive information, or any return that does not present fairly information required by the Corporation for the purposes of this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years.

40. A person who being a president or chairman of the board of directors of a member institution that is a federal institution fails or neglects to present, as required by section 24, a report of the Corporation made under that section is guilty of an offence punishable on summary conviction, and if the directors fail or neglect to incorporate such report in the minutes of a meeting of the directors as required by section 24, each director present at that meeting is guilty of an offence punishable on summary conviction.

Failure to make report known.

41. Every member institution that violates the provisions of section 30 is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

Violation of advertising provision.

42. (1) No person other than a member institution shall, by any written or oral representations of any kind, advertise or hold out any company as being insured or approved for insurance by the Corporation.

Holding out as being insured.

(2) No member institution shall make any written or oral representations that it is insured by the Corporation otherwise than by such marks, signs, advertisements or other devices as are authorized by the by-laws of the Corporation and used in the manner and on the occasions prescribed by the by-laws.

Offence by member institution.

(3) Every person who violates any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Penalty.

ANNUAL REPORT.

43. The Corporation shall, within three months after the termination of each financial year of the Corporation, transmit to the Minister a statement relating to the activities of the Corporation for that year, including the financial statements of the Corporation and the auditor's report thereon, and the Minister shall cause such statement to be laid before Parliament within fifteen days after the receipt thereof, or if Parliament is not then sitting, within any of the first fifteen days next thereafter that Parliament is sitting.

Report and tabling.

CONSEQUENTIAL AMENDMENT.

1964-65,
c. 11, Sch.
amended.

44. The Schedule to the *Crown Corporations (Provincial Taxes and Fees) Act* is amended by adding thereto the words "Canada Deposit Insurance Corporation" immediately under the words "Canadian Commercial Corporation".

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

CHAP. 71

An Act respecting employment in the Public Service of Canada.

[Assented to 23rd February, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Public Service Employment Act*. Short title.

INTERPRETATION.

2. (1) In this Act,
- | | | |
|-----|--|---------------------------------------|
| (a) | "closed competition" means a competition that is open only to persons employed in the Public Service; | Definitions.
"Closed competition." |
| (b) | "Commission" means the Public Service Commission; | "Commission." |
| (c) | "commissioner" means a member of the Commission, and includes the Chairman; | "Commissioner." |
| (d) | "department" means a department named in Schedule A to the <i>Financial Administration Act</i> and any division or branch of the Public Service designated by the Governor in Council as a department for the purposes of this Act; | "Department." |
| (e) | "deputy head" means | "Deputy head." |
| | (i) in relation to a department named in Schedule A to the <i>Financial Administration Act</i> , the deputy minister thereof, and in relation to any division or branch of the Public Service designated under paragraph (d) as a department, such | |

person as the Governor in Council may designate as the deputy head for the purposes of this Act, and

- (ii) in relation to any other portion of the Public Service to which the Commission has the exclusive right and authority to appoint persons, the chief executive officer thereof or, if there is no chief executive officer, such person as the Governor in Council may designate as the deputy head for the purposes of this Act;

"Employee."

- (f) "employee" means a person employed in that part of the Public Service to which the Commission has the exclusive right and authority to appoint persons;

"Lay-off."

- (g) "lay-off" means a person who has been laid off pursuant to subsection (1) of section 29 and who, in the opinion of the Commission, is suitable for appointment under this Act;

"Local office."

- (h) "local office" means an office established to serve an area comprising a part but not the whole of Canada;

"Minister."

- (i) "Minister" except in section 9 means any member of the Queen's Privy Council for Canada holding the office of a Minister of the Crown;

"Open competition."

- (j) "open competition" means a competition that is open to persons who are employed in the Public Service as well as to persons who are not so employed; and

"Public Service."

- (k) "Public Service" has the same meaning as in the *Public Service Staff Relations Act*.

Persons deemed in Public Service for certain purposes.

(2) For the purpose of being eligible to enter competitions and for the purposes of sections 11 and 13, the following persons shall be deemed to be persons employed in the Public Service, namely:

- (a) members of the Royal Canadian Mounted Police;
- (b) members of the Canadian Forces; and
- (c) persons not otherwise employed in the Public Service who are employees in or under any portion of the public service of Canada designated by the Governor in Council pursuant to section 35.

References.

- (3) Unless the context otherwise requires,
- (a) a reference in this Act to a deputy head in relation to an employee shall be construed as a reference to the deputy head of the department or the deputy head in relation to the portion

- of the Public Service, as the case may be, in which the employee is employed; and
- (b) a reference in this Act to a deputy head in relation to a department or other portion of the Public Service shall be construed as a reference to the deputy head of that department or the deputy head in relation to that portion of the Public Service, as the case may be, to which the context extends.

PART I.

PUBLIC SERVICE COMMISSION.

Commission Established.

3. (1) There shall be a Commission, to be called the Public Service Commission, consisting of a Chairman and two other members to be appointed by the Governor in Council. Commission established.

(2) Subject to this section, a commissioner holds office during good behaviour for a period of ten years, but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons. Appointment.

(3) A commissioner, on the expiration of his first or a subsequent term of office, is eligible to be re-appointed for a further term not exceeding ten years. Eligibility for re-appointment.

(4) A commissioner ceases to hold office upon attaining the age of sixty-five years, except that where the Governor in Council is of opinion that it would be in the public interest to extend the term of office of a commissioner beyond that age, he may, on the recommendation of the Prime Minister, extend the term of office beyond the age of sixty-five years for one period not exceeding five years. Termination and extension.

(5) The rank and standing of each commissioner is that of a deputy head of a department. Rank.

(6) There shall be paid to each commissioner out of the Consolidated Revenue Fund such salary or allowances as may be fixed by the Governor in Council. Salaries.

(7) A commissioner shall not hold any other office in the Public Service or engage in any other employment. Other employment.

(8) Each commissioner shall, before assuming the duties of his office, take and subscribe before the Clerk of the Privy Council the oath or affirmation set out in Schedule A. Oath of office.

4. (1) The Chairman is the chief executive officer of the Commission. Chairman.

Acting
Chairman.

(2) The Governor in Council may authorize any commissioner to act as Chairman for the time being in the event that the Chairman is absent or unable to act or if the office is vacant.

Quorum.

(3) A majority of the commissioners constitutes a quorum of the Commission.

Vacancy.

(4) A vacancy in the membership of the Commission does not impair the right of the remainder to act.

Place of
business.

(5) The Commission may sit at such times and places as it considers necessary or desirable for the proper conduct of its business.

General Powers and Duties of Commission.

Powers and
duties.

5. The Commission shall
- (a) appoint or provide for the appointment of qualified persons to or from within the Public Service in accordance with the provisions and principles of this Act;
 - (b) operate and assist deputy heads in the operation of staff training and development programs in the Public Service;
 - (c) engage competent persons to assist the Commission in the performance of its duties;
 - (d) establish boards to make recommendations to the Commission on matters referred to such boards under section 6, to render decisions on appeals made to such boards under sections 21 and 31 and to render decisions on matters referred to such boards under section 32;
 - (e) report to the Governor in Council upon such matters arising out of or relating to the administration or operation of this Act and the regulations as the Commission considers desirable; and
 - (f) perform such other duties and functions with reference to the Public Service as are assigned to it by the Governor in Council.

Delegation of Authority.

Delegation
to deputy
head.

6. (1) The Commission may authorize a deputy head to exercise and perform, in such manner and subject to such terms and conditions as the Commission directs, any of the powers, functions and duties of the Commission under this Act, other than the powers, functions and duties of the Commission in relation to appeals under sections 21 and 31 and inquiries under section 32.

- (2) Where the Commission is of opinion Idem.
 (a) that a person who has been or is about to be appointed to or from within the Public Service pursuant to authority granted by it under this section, does not have the qualifications that are necessary to perform the duties of the position he occupies or would occupy, or
 (b) that the appointment of a person to or from within the Public Service pursuant to authority granted by it under this section has been or would be in contravention of the terms and conditions under which the authority was granted,

the Commission, notwithstanding anything in this Act but subject to subsection (3), shall revoke the appointment or direct that the appointment not be made, as the case may be, and may thereupon appoint that person at a level that in the opinion of the Commission is commensurate with his qualifications.

(3) An appointment from within the Public Service may be revoked by the Commission pursuant to subsection (2) only upon the recommendation of a board established by it to conduct an inquiry at which the employee and the deputy head concerned, or their representatives, are given an opportunity of being heard. Idem.

(4) The Commission may, from time to time as it sees fit, revise or rescind and reinstate the authority granted by it pursuant to this section. Idem.

(5) Subject to subsection (6) a deputy head may authorize one or more persons under his jurisdiction to exercise and perform any of the powers, functions or duties of the deputy head under this Act including, subject to the approval of the Commission and in accordance with the authority granted by it under this section, any of the powers, functions and duties that the Commission has authorized the deputy head to exercise and perform. Delegation by deputy head.

(6) In the absence of the deputy head, the person designated by the deputy head or, if no person has been so designated or there is no deputy head, the person designated by the person who under the *Financial Administration Act* is the appropriate Minister with respect to the department or other portion of the Public Service, or such other person as may be designated by the Governor in Council, has and may exercise the powers, functions and duties of the deputy head. Acting deputy head.

Records and Inquiries.

7. (1) Deputy heads and employees shall give the Commission such access to their respective offices and such Access to records, assistance, etc.
 facilities,

facilities, assistance and information as the Commission may require for the performance of its duties.

Inquiries. (2) In connection with, and for the purposes of, any investigation or report, the Commission or a commissioner holding an investigation has all the powers of a commissioner appointed under Part II of the *Inquiries Act* and for the purposes of that Part shall be deemed to have been appointed under that Part.

PART II.

APPOINTMENT.

Authority to Appoint.

Exclusive right to appoint. **8.** Except as provided in this Act, the Commission has the exclusive right and authority to make appointments to or from within the Public Service of persons for whose appointment there is no authority in or under any other Act of Parliament.

Diplomatic appointments. **9.** Nothing in this Act shall be construed to limit or affect the right or authority of Her Majesty to appoint
 (a) Ambassadors,
 (b) Ministers,
 (c) High Commissioners, or
 (d) Consuls General of Canada,
 to any other country, or other persons to represent Canada in another country.

Appointments and Selection Standards.

Appointments to be based on merit. **10.** Appointments to or from within the Public Service shall be based on selection according to merit, as determined by the Commission, and shall be made by the Commission, at the request of the deputy head concerned, by competition or by such other process of personnel selection designed to establish the merit of candidates as the Commission considers is in the best interests of the Public Service.

Appointments to be from within Public Service. **11.** Appointments shall be made from within the Public Service except where, in the opinion of the Commission, it is not in the best interests of the Public Service to do so.

Selection standards. **12.** (1) The Commission may, in determining pursuant to section 10 the basis of assessment of merit in relation to any position or class of positions, prescribe selection standards as to education, knowledge, experience,

language, age, residence or any other matters that, in the opinion of the Commission, are necessary or desirable having regard to the nature of the duties to be performed, but any such selection standards shall not be inconsistent with any classification standard prescribed pursuant to the *Financial Administration Act* for that position or any position in that class.

(2) The Commission, in prescribing selection standards under subsection (1), shall not discriminate against any person by reason of sex, race, national origin, colour or religion. No discrimination.

(3) The Commission shall from time to time consult with representatives of any employee organization certified as a bargaining agent under the *Public Service Staff Relations Act* or with the employer as defined in that Act, with respect to the selection standards that may be prescribed under subsection (1) or the principles governing the appraisal, promotion, demotion, transfer, lay-off or release of employees, at the request of such representatives or of the employer or where in the opinion of the Commission such consultation is necessary or desirable. Consultation.

Competitions.

13. Before conducting a competition, the Commission shall Area of competition.

- (a) determine the area in which applicants must reside in order to be eligible for appointment; and
- (b) in the case of a closed competition, determine the part, if any, of the Public Service and the occupational nature and level of positions, if any, in which prospective candidates must be employed in order to be eligible for appointment.

14. (1) The Commission shall give such notice of a proposed competition as in its opinion will give all eligible persons a reasonable opportunity of making an application. Notice.

(2) A notice under subsection (1) shall be given in both the English and French languages together, unless the Commission otherwise directs in any case or class of cases. Idem.

15. Applications shall be in such form and shall be made and verified in such manner as the Commission determines. Applications.

16. (1) The Commission shall examine and consider all applications received within the time prescribed by it for Consideration of applications.

the receipt of applications and, after considering such further material and conducting such examinations, tests, interviews and investigations as it considers necessary or desirable, shall select the candidates who are qualified for the position or positions in relation to which the competition is conducted.

Languages
in which
examination
to be
conducted.

(2) An examination, test or interview under this section, when conducted for the purpose of determining the education, knowledge and experience of the candidate or any other matter referred to in section 12 except language, shall be conducted in the English or French language or both, at the option of the candidate, and when conducted for the purpose of determining the qualifications of the candidate in the knowledge and use of the English or French language or both, or of a third language, shall be conducted in the language or languages in the knowledge and use of which his qualifications are to be determined.

Veterans,
etc.

(3) Where, in the case of an open competition, the Commission is of opinion that there are sufficient qualified applicants who are

- (a) persons in receipt of a pension by reason of war service as defined in Schedule B,
- (b) persons who are veterans as defined in Schedule B and who do not come within paragraph (a), or persons who are widows of veterans as defined in Schedule B, or
- (c) persons who are Canadian citizens who do not come within paragraph (a) or (b),

to enable the Commission to establish an eligible list in accordance with this Act, the Commission may confine its selection of qualified candidates under subsection (1) to applicants

- (d) who come within paragraph (a),
- (e) who come within paragraphs (a) and (b), or
- (f) who come within paragraphs (a), (b) and (c).

Establish-
ment of
eligible
lists.

17. (1) From among the qualified candidates in a competition the Commission shall select and place the highest ranking candidates on one or more lists, to be known as eligible lists, as the Commission considers necessary to provide for the filling of a vacancy or anticipated vacancies.

Duration.

(2) An eligible list is valid for such period of time as may be determined by the Commission in any case or class of case.

Closed com-
petition.

(3) When establishing an eligible list in the case of a closed competition, the Commission shall place the qualified candidates thereon in order of merit.

Open com-
petition.

(4) When establishing an eligible list in the case of an open competition, the Commission shall, after complying with section 16 and after conducting such

further investigations as it considers necessary, proceed in accordance with the following principles:

- (a) persons who come within paragraph (a) of subsection (3) of section 16 and who are qualified shall be placed, in order of merit, ahead of other successful candidates;
- (b) persons who come within paragraph (b) of subsection (3) of section 16 and who are qualified shall be placed, in order of merit, on the list immediately following any candidates mentioned in paragraph (a) of this subsection;
- (c) persons who come within paragraph (c) of subsection (3) of section 16 and who are qualified shall be placed, in order of merit, after any candidates mentioned in either paragraph (a) or (b) of this subsection; and
- (d) persons who do not come within paragraph (a), (b) or (c) of subsection (3) of section 16 and who are qualified shall be placed, in order of merit, after any candidates who come within those paragraphs.

(5) Nothing prescribed by or under this or any other Act as to the age limit and physical requirements with respect to any appointment to the Public Service applies to a person who comes within paragraph (a) or (b) of subsection (3) of section 16, if the Commission certifies that he is of such an age and in such a satisfactory physical condition that he is then able to perform the duties of the position and will probably be able to continue to do so for a reasonable period after his appointment.

Application of age limits, etc. to veterans, etc.

18. Where an appointment under this Act is to be made to a position by competition, the appointment shall be made from an eligible list established for that position or for positions of a similar occupational nature and level, but where such list is exhausted, the appointment may be made from an eligible list established for positions of a similar occupational nature at a higher level.

Appointment from eligible list.

19. Where an appointment is to be made to a local office, the Commission in making the appointment from outside the Public Service shall, whenever it is in the best interests of the Public Service to do so, give preference in appointment to qualified candidates who reside in the area served by the local office over qualified candidates who do not so reside.

Appointment to local office.

20. Employees appointed to serve in any department or other portion of the Public Service, or part thereof, shall be qualified in the knowledge and use of the English

Language.

or French language or both, to the extent that the Commission deems necessary in order that the functions of such department, portion or part can be performed adequately and effective service can be provided to the public.

Appeals.

21. Where a person is appointed or is about to be appointed under this Act and the selection of the person for appointment was made from within the Public Service

(a) by closed competition, every unsuccessful candidate, or

(b) without competition, every person whose opportunity for advancement, in the opinion of the Commission, has been prejudicially affected,

may, within such period as the Commission prescribes, appeal against the appointment to a board established by the Commission to conduct an inquiry at which the person appealing and the deputy head concerned, or their representatives, are given an opportunity of being heard, and upon being notified of the board's decision on the inquiry the Commission shall,

(c) if the appointment has been made, confirm or revoke the appointment, or

(d) if the appointment has not been made, make or not make the appointment,

accordingly as the decision of the board requires.

PART III.

EMPLOYMENT.

Tenure.

Effective date of appointment.

22. An appointment under this Act takes effect on the date specified in the instrument of appointment.

Oath of office and allegiance.

23. Every deputy head and employee shall, upon appointment from outside the Public Service, take and subscribe the oath or affirmation of allegiance and the oath or affirmation set out in Schedule C.

Tenure of office.

24. The tenure of office of an employee is during the pleasure of Her Majesty, subject to the provisions of this and any other Act and the regulations thereunder and, unless some other period of employment is specified, for an indeterminate period.

Term appointments.

25. An employee who is appointed for a specified period ceases to be an employee at the expiration of that period.

26. An employee may resign from the Public Service by giving to the deputy head notice in writing of his intention to resign and the employee ceases to be an employee on the day as of which the deputy head accepts in writing his resignation. Resignation.

27. An employee who is absent from duty for a period of one week or more, otherwise than for reasons over which, in the opinion of the deputy head, the employee has no control or otherwise than as authorized or provided for by or under the authority of any Act of Parliament, may by an appropriate instrument in writing to the Commission be declared by the deputy head to have abandoned the position he occupied, and thereupon the employee ceases to be an employee. Abandonment.

Probation.

28. (1) An employee shall be considered to be on probation from the date of his appointment until the end of such period as the Commission may establish for any employee or class of employees. Probationary period.

(2) Where an appointment is made from within the Public Service, the deputy head may, if he considers it appropriate in any case, reduce or waive the probationary period. Idem.

(3) The deputy head may, at any time during the probationary period, give notice to the employee and to the Commission that he intends to reject the employee for cause at the end of such notice period as the Commission may establish for any employee or class of employees and, unless the Commission appoints the employee to another position in the Public Service before the end of the notice period applicable in the case of the employee, he ceases to be an employee at the end of that period. Rejection.

(4) Where a deputy head gives notice that he intends to reject an employee for cause pursuant to subsection (3) he shall furnish to the Commission his reasons therefor. Idem.

(5) Notwithstanding anything in this Act, a person who ceases to be an employee pursuant to subsection (3) Eligible list.

(a) shall, if the appointment held by him was made from within the Public Service, and

(b) may, in any other case,
be placed by the Commission on such eligible list and in such place thereon as in the opinion of the Commission is commensurate with his qualifications.

Lay-Offs.

Laying off
employees.

29. (1) Where the services of an employee are no longer required because of lack of work or because of the discontinuance of a function, the deputy head, in accordance with regulations of the Commission, may lay off the employee.

Effect of
being laid
off.
Reappoint-
ment.

(2) An employee ceases to be an employee when he is laid off pursuant to subsection (1).

(3) Notwithstanding anything in this Act, the Commission shall, within such period and in such order as it may determine, consider a lay-off for appointment, without competition and, subject to sections 30 and 37, in priority to all other persons, to any position in the Public Service for which in the opinion of the Commission he is qualified.

Competi-
tions.

(4) Notwithstanding subsection (2), a lay-off is entitled, during such period as the Commission may determine for any case or class of case, to enter any competition for which he would have been eligible had he not been laid off.

Leave of Absence.

Appointment
to another
position.

30. (1) Where an employee is on leave of absence and another person has been appointed for an indeterminate period to the position that was occupied by him, the employee is entitled, during his leave of absence and for a period of one year thereafter, to be appointed, without competition and in priority to all other persons, to another position in the Public Service for which in the opinion of the Commission he is qualified.

Idem.

(2) Where, during the time that an employee was on leave of absence, another person was appointed for an indeterminate period to the position previously occupied by the employee, if the employee returns to the position previously occupied by him the other person is entitled, for a period of one year after the employee returns to that position, to be appointed, without competition and in priority to all other persons, to a position in the Public Service for which in the opinion of the Commission he is qualified.

Order of
priorities.

(3) The Commission shall determine the order in which those persons to whom subsections (1) and (2) apply are to be appointed to positions in the Public Service.

Incompetence and Incapacity.

Recommend-
ation to
Commission.

31. (1) Where an employee, in the opinion of the deputy head, is incompetent in performing the duties of the

position he occupies or is incapable of performing those duties and should

- (a) be appointed to a position at a lower maximum rate of pay, or
- (b) be released,

the deputy head may recommend to the Commission that the employee be so appointed or released, as the case may be.

(2) The deputy head shall give notice in writing to an employee of a recommendation that the employee be appointed to a position at a lower maximum rate of pay or be released. Notice.

(3) Within such period after receiving the notice in writing mentioned in subsection (2) as the Commission prescribes, the employee may appeal against the recommendation of the deputy head to a board established by the Commission to conduct an inquiry at which the employee and the deputy head concerned, or their representatives, are given an opportunity of being heard, and upon being notified of the board's decision on the inquiry the Commission shall, Right to appeal.

(a) notify the deputy head concerned that his recommendation will not be acted upon, or

(b) appoint the employee to a position at a lower maximum rate of pay, or release the employee, accordingly as the decision of the board requires.

(4) If no appeal is made against a recommendation of the deputy head, the Commission may take such action with regard to the recommendation as it sees fit. If no appeal.

(5) The Commission may release an employee pursuant to a recommendation under this section and the employee thereupon ceases to be an employee. Release.

Political Partisanship.

32. (1) No deputy head and, except as authorized under this section, no employee, shall Political partisanship.

- (a) engage in work for, on behalf of or against a candidate for election as a member of the House of Commons, a member of the legislature of a province or a member of the Council of the Yukon Territory or the Northwest Territories, or engage in work for, on behalf of or against a political party; or
- (b) be a candidate for election as a member described in paragraph (a).

Excepted
activities.

(2) A person does not contravene subsection (1) by reason only of his attending a political meeting or contributing money for the funds of a candidate for election as a member described in paragraph (a) of subsection (1) or money for the funds of a political party.

Leave of
absence.

(3) Notwithstanding any other Act, upon application made to the Commission by an employee the Commission may, if it is of the opinion that the usefulness to the Public Service of the employee in the position he then occupies would not be impaired by reason of his having been a candidate for election as a member described in paragraph (a) of subsection (1), grant to the employee leave of absence without pay to seek nomination as a candidate and to be a candidate for election as such a member, for a period ending on the day on which the results of the election are officially declared or on such earlier day as may be requested by the employee if he has ceased to be a candidate.

Notice.

(4) Forthwith upon granting any leave of absence under subsection (3), the Commission shall cause notice of its action to be published in the *Canada Gazette*.

Effect of
election.

(5) An employee who is declared elected as a member described in paragraph (a) of subsection (1) thereupon ceases to be an employee.

Inquiry.

(6) Where any allegation is made to the Commission by a person who is or has been a candidate for election as a member described in paragraph (a) of subsection (1), that a deputy head or employee has contravened subsection (1), the allegation shall be referred to a board established by the Commission to conduct an inquiry at which the person making the allegation and the deputy head or employee concerned, or their representatives, are given an opportunity of being heard, and upon being notified of the board's decision on the inquiry the Commission,

(a) in the case of a deputy head, shall report the decision to the Governor in Council who may, if the board has decided that the deputy head has contravened subsection (1), dismiss him; and

(b) in the case of an employee, may, if the board has decided that the employee has contravened subsection (1), dismiss the employee.

Application
of ss. (6).

(7) In the application of subsection (6) to any person, the expression "deputy head" does not include a person for whose removal from office, otherwise than by the termination of his appointment at pleasure, express provision is made by this or any other Act.

PART IV.

GENERAL.

Regulations.

33. Subject to this Act, the Commission may make such regulations as it considers necessary to carry out and give effect to the provisions of this Act.

Regulations
by
Commission.

34. (1) The Governor in Council may make regulations

Regulations
by Governor
in Council.

- (a) applying all or any of the provisions of this Act to all or any of the positions of persons mentioned in subsection (1) of section 37;
- (b) notwithstanding any other Act, applying all or any of the provisions of this Act that do not otherwise apply, including the provisions relating to appointments, to any portion or part of any portion of the Public Service; and
- (c) prescribing the manner in which inquiries shall be instituted and conducted for the purposes of section 32.

(2) Where a regulation made pursuant to paragraph (b) of subsection (1) provides for a matter for which provision is made in or under any other Act, the other Act, during the time that the regulation is in force, shall be deemed to make no provision for that matter either therein or thereunder.

Idem.

35. (1) The Governor in Council, on the recommendation of the Commission, may make regulations prescribing how positions or persons, wholly or partly excluded under section 39, shall be dealt with.

Regulations
by Governor
in Council.

(2) The Governor in Council, on the recommendation of the Commission, may from time to time designate any portion of the public service of Canada as a part of the Public Service the employees in or under which who are not otherwise employed in the Public Service shall be deemed, for the purposes mentioned in subsection (2) of section 2, to be persons employed in the Public Service; and the Governor in Council, on the recommendation of the Commission, may from time to time revoke any such designation.

Designation
of portions,
etc. for
limited
purposes.

Rate of Pay on Appointment.

36. Subject to any direction of a special or general character that may be made pursuant to the *Financial Administration Act*, the Commission may make an appoint-

Rate of
pay on
appointment.

ment to a position at any rate in the scale of rates of pay that may be established for that position or for positions of the same occupational nature and level as that position.

Ministers' Staffs.

Ministerial
staffs.

Effect when
Minister
ceases to
hold office.

Rights on
termination
of
employment.

Idem.

Order of
appointments.

Leader
of the
Opposition.

37. (1) A Minister may appoint his Executive Assistant and other persons required in his office.

(2) A person who is employed in the office of a Minister ceases to be so employed thirty days after the person holding the position of such Minister ceases to hold that position.

(3) A person who

(a) was an employee immediately before he became employed in the office of a Minister, or

(b) during the time that he was employed in the office of a Minister, qualified for appointment under this Act to the Public Service

is entitled, for a period of one year from the day on which he ceases to be so employed, to be appointed without competition and, subject to section 30, in priority to all other persons, to a position in the Public Service for which in the opinion of the Commission he is qualified.

(4) A person who for at least three years has been employed as Executive Assistant, Special Assistant or Private Secretary to a Minister, or in any of those capacities successively, is entitled, for a period of one year from the day on which he ceases to be so employed, to be appointed without competition and, subject to section 30 and subsection (3) of this section, in priority to all other persons to a position in the Public Service, at a level at least equivalent to the level of private secretary to a deputy head, for which in the opinion of the Commission he is qualified.

(5) The Commission shall determine the order in which those persons to whom subsection (3) or (4) applies are to be appointed to positions in the Public Service.

(6) This section applies to a person employed in the office of the person holding the recognized position of Leader of the Opposition in the House of Commons, Leader of the Government in the Senate or Leader of the Opposition in the Senate, as it applies to a person employed in the office of a Minister.

Other Public Officials.

Appoint-
ments by
Governor in
Council.

38. The Governor in Council may appoint and fix the remuneration of

(a) the Clerk of the Privy Council;

(b) the Clerk of the Senate;

- (c) the Clerk of the House of Commons; and
- (d) the Secretary to the Governor General.

Exclusions.

39. In any case where the Commission decides that it is not practicable nor in the best interests of the Public Service to apply this Act or any provision thereof to any position or person or class of positions or persons, the Commission may, with the approval of the Governor in Council, exclude such position or person or class of positions or persons in whole or in part from the operation of this Act; and the Commission may, with the approval of the Governor in Council, re-apply any of the provisions of this Act to any position or person so excluded.

Exclusion of persons and positions.

Irregularities and Fraudulent Practices.

40. Where the Commission is satisfied that any irregularity or fraudulent practice has obtained at an examination held by it or by any person deputed by it, the Commission may summon before it by a summons, in the form of Schedule D, signed by the Chairman or by any one of the commissioners, and may examine under oath or affirmation any person who, in its opinion, is in a position to give evidence in relation to such irregularity or fraudulent practice.

Fraudulent practices at examination.

41. Where a person,

- (a) whose name is on an eligible list, or
- (b) who has been appointed under this Act to the Public Service,

Deletion from eligible list or revocation of appointment.

is proved upon an inquiry to have been concerned in any fraudulent practice, or to have been guilty of any breach of the regulations with respect to any examination held under the authority of this Act, the Commission may remove his name from the list or, if he has been appointed, the Commission may revoke his appointment retroactively to the date thereof.

42. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him or connives or assists at any personation is guilty of an offence punishable on summary conviction.

Personation.

43. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination paper or any other paper relating to an examina-

Illegally obtaining examination papers.

tion held under this Act is guilty of an offence punishable on summary conviction.

Oaths.

Authority to
administer
oaths, etc.

44. The Governor in Council may authorize any person to administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of this Act or the regulations.

Report to Parliament.

Annual
report on
operations
under Act.

45. The Commission shall, within five months after the thirty-first day of December in each year, transmit to the Minister designated by the Governor in Council for the purposes of this section a report and statement of the transactions and affairs of the Commission during that year, the nature of any action taken by it under subsection (1) or (4) of section 6, and the positions and persons, if any, excluded under section 39 in whole or in part from the operation of this Act and the reasons therefor, and that Minister shall cause the report and statement to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Application of Act.

Application.

46. (1) This Act applies to all employees whether appointed before or after the coming into force of this Act or any provision thereof.

Reference to
periods of
employment.

(2) A reference in any of the provisions of this Act to a period of employment shall be construed as including employment before as well as after the coming into force of this Act or any provision thereof.

Transitional.

Persons
continued
in office.

47. (1) Every person who was employed in the Public Service at the time this Act or any provision thereof comes into force continues to be so employed subject to the provisions of this Act.

Commis-
sioners
continued.

(2) The persons who, upon the coming into force of section 3 of this Act, held office under the *Civil Service Act* as Chairman or commissioner of the Civil Service Commission shall be deemed to have been appointed Chairman or commissioner respectively under this Act for the unexpired portions of the respective terms for which they were appointed under the *Civil Service Act*.

(3) Where in any enactment, other than this Act, there is a reference to the *Civil Service Act* in relation to any matter that may be performed, prescribed, established, determined, regulated or otherwise dealt with under this Act, the reference shall be construed as a reference to this Act.

References
to *Civil
Service
Act*.

(4) Where in any enactment, other than this Act, or in any contract or other document, the Civil Service Commission is mentioned or referred to, there shall, in each and every case, be substituted the Public Service Commission.

Substitu-
tions.

(5) The Commission referred to in section 3 and the Commission referred to in the *Civil Service Act* are hereby declared, for all purposes, to be one and the same Commission.

One and
same
Commission.

(6) In this section, "enactment" includes a regulation, order or other instrument made under the authority of an Act.

Definition.

Repeal and Coming into Force.

48. This Act, or any provision thereof, shall come into force and the *Civil Service Act*, chapter 57 of the Statutes of Canada, 1960-61, or any provision thereof, shall be repealed on a day or days to be fixed by proclamation of the Governor in Council.

Repeal and
commence-
ment.

SCHEDULE A.

OATH OR AFFIRMATION OF OFFICE OF COMMISSIONER.

I,do solemnly and sincerely swear (or affirm) that I will truly and faithfully, and to the best of my skill and knowledge, execute and perform the office of (Commissioner or Chairman, as the case may be) of the Public Service Commission. (In the case where an oath is taken add, "So help me God").

SCHEDULE B.

DEFINITIONS (Section 16).

1. For the purposes of section 16 and this Schedule,

(a) "member of the Women's Royal Naval Services" means a person who

- (i) enrolled in the Women's Royal Naval Service,
- (ii) enrolled in Queen Alexandra's Royal Naval Nursing Service or the reserve therefor, or
- (iii) enrolled as a medical or dental practitioner employed with the Medical Branch or Dental Branch of the Royal Navy with naval status for general service;

(b) "person in receipt of a pension by reason of war service" means a person who is in receipt of a pension

- (i) by reason of his service in World War I, or
- (ii) by reason of his service only in World War II, and who at the commencement of such service was domiciled in Canada or Newfoundland,

who has from causes attributable to such service lost capacity for physical exertion to an extent that makes him unfit to pursue efficiently the vocation that he was pursuing before the war, and who has not been successfully re-established in some other vocation;

(c) "veteran" means a person who

- (i) during World War I was on active service overseas in the naval, army or air forces or who served on the high seas in a seagoing ship of war in the naval forces of His Majesty or of any of the Allies of His Majesty, and who has left such service with an honourable record or has been honourably discharged,

(ii) during World War II was on active service

- (A) in the naval, army or air forces of His Majesty or any of His Majesty's Allies and at the commencement of his active service was domiciled in Canada or Newfoundland, or

- (B) in the naval, army or air forces of Canada, and, not being domiciled in Canada at the commencement of his active service, is a Canadian citizen, and who, in the course of such service, performed duties outside of the Western Hemisphere, or on the high seas in a ship or other vessel service that was, at the time he performed those duties, classed as "sea time" for the purpose of the advancement of naval ratings, or that would have been so classed had the ship or other vessel been in the service of the naval forces of Canada,
- (iii) during World War II served as a member of the Women's Royal Naval Services or as a member of the South African Military Nursing Service outside of the Western Hemisphere and who, at the commencement of her service during World War II, was domiciled in Canada or Newfoundland,
- (iv) has been certified by the Under Secretary of State for External Affairs as having been enrolled in Canada or Newfoundland by United Kingdom authorities for special duty during World War II in war areas outside of the Western Hemisphere, and who served outside of the Western Hemisphere, and at the time of his enrolment was domiciled in Canada or Newfoundland, or
- (v) during World War II served outside of the Western Hemisphere with the naval, army or air forces of His Majesty raised in Canada or Newfoundland as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, and who was authorized so to serve by the appropriate naval, army or air force authority and who, at the commencement of his service with those forces during World War II, was domiciled in Canada or Newfoundland,
- but, notwithstanding anything in this paragraph, does not include a person who
- (vi) served outside of the Western Hemisphere or on the high seas only in that he was a passenger in an aircraft, ship or other vessel, or only in that he underwent a limited period of training in an aircraft, ship or other vessel incidental to a program of instruction, or
- (vii) by reason of his misconduct, since the 10th day of September, 1939, ceased to serve in the naval, army or air forces of His Majesty or of any of His Majesty's Allies, or to be a member of the Women's Royal Naval Services or the South African Military Nursing Service, or to be enrolled for the special duty mentioned in this paragraph or to serve with the forces as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services;

- (d) "Western Hemisphere" means the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands;
- (e) "widow of a veteran" means the widow of a person who, being a veteran, died from causes arising during the service by virtue of which he became a veteran;
- (f) "World War I" means the war declared by His Majesty on the 4th day of August, 1914, against the Empire of Germany and subsequently, against other powers;
- (g) "World War II" means the war declared by His Majesty on the 10th day of September, 1939, against the German Reich and subsequently against Italy, Finland, Hungary, Rumania and Japan.

2. For the purpose of determining whether a person is a veteran, World War II shall be deemed to have terminated

- (a) in respect of service in connection with operations in the European and Mediterranean Theatres of War, on the 8th day of May, 1945; and
- (b) in respect of service in connection with operations in the Pacific Theatre of War, on the 15th day of August, 1945.

3. A reference in the *Veterans Benefit Act, 1954*, or in any other Act or regulation, to section 28 or 29 of the *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952, or any of the provisions thereof, shall be construed as a reference to the corresponding provisions of this Act.

SCHEDULE C.

OATH OR AFFIRMATION OF OFFICE AND SECRECY.

I, (A.B.) solemnly and sincerely swear (or affirm) that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. (In the case where an oath is taken add, "So help me God").

SCHEDULE D.

SUMMONS TO AN INQUIRY.

To

You are hereby required to appear before the Public Service Commission at..... on the..... day of..... at..... o'clock in the noon to testify the truth according to your knowledge in a certain inquiry pending before the Public Service Commission respecting

(The following words may be added if the production of any paper or document is required.)
and that you bring with you and then and there produce the following documents:—

Dated at this day of A.D.

Public Service Commissioner.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

CHAP. 72

An Act respecting employer and employee relations
in the Public Service of Canada.

[Assented to 23rd February, 1967.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

SHORT TITLE.

1. This Act may be cited as the *Public Service Staff Relations Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | | |
|-----|--|--------------------------------|
| (a) | "adjudicator" means an adjudicator appointed under section 92 and includes, where the context permits, a board of adjudication established under section 93 and an adjudicator named in a collective agreement for the purposes of that agreement; | Definitions.
"Adjudicator." |
| (b) | "arbitral award" means an award made by the Arbitration Tribunal in respect of a dispute; | "Arbitral award." |
| (c) | "Arbitration Tribunal" means the Public Service Arbitration Tribunal established under section 60; | "Arbitration Tribunal." |
| (d) | "bargaining agent" means an employee organization | "Bargaining agent." |
| | (i) that has been certified by the Board as bargaining agent for a bargaining unit, and | |
| | (ii) the certification of which has not been revoked; | |

- "Bargaining unit." (e) "bargaining unit" means a group of two or more employees that is determined, in accordance with this Act, to constitute a unit of employees appropriate for collective bargaining;
- "Board." (f) "Board" means the Public Service Staff Relations Board established under section 11;
- "Chairman." (g) "Chairman" means the Chairman of the Board;
- "Collective agreement." (h) "collective agreement" means an agreement in writing entered into under this Act between the employer, on the one hand, and a bargaining agent, on the other hand, containing provisions respecting terms and conditions of employment and related matters;
- "Conciliation board." (i) "conciliation board" means a board established under section 78 for the investigation and conciliation of a dispute;
- "Conciliator." (j) "conciliator" means a person appointed by the Chairman under section 52 to assist the parties to collective bargaining in reaching agreement;
- "Designated employee." (k) "designated employee" means an employee who is agreed by the parties to collective bargaining or determined by the Board pursuant to section 79 to be a designated employee within the meaning of that section;
- "Dispute." (l) "dispute" means a dispute or difference arising in connection with the conclusion, renewal or revision of a collective agreement, in respect of which arbitration is requested pursuant to section 63 or in respect of which the establishment of a conciliation board may be requested pursuant to section 77;
- "Employee." (m) "employee" means a person employed in the Public Service, other than
- (i) a person appointed by the Governor in Council under an Act of Parliament to a statutory position described in that Act,
 - (ii) a person locally engaged outside Canada,
 - (iii) a person whose compensation for the performance of the regular duties of his position or office consists of fees of office, or is related to the revenue of the office in which he is employed,
 - (iv) a person not ordinarily required to work more than one-third of the normal period for persons doing similar work,
 - (v) a person who is a member or special constable of the Royal Canadian Mounted Police or who is employed by that Force

under terms and conditions substantially the same as those of a member thereof,

- (vi) a person employed on a casual or temporary basis, unless he has been so employed for a period of six months or more,
- (vii) a person employed by or under the Board, or
- (viii) a person employed in a managerial or confidential capacity,

and for the purposes of this paragraph a person does not cease to be employed in the Public Service by reason only of his ceasing to work as a result of a strike or by reason only of his discharge contrary to this or any other Act of Parliament;

- (n) "employee organization" means any organization of employees the purposes of which include the regulation of relations between the employer and its employees for the purposes of this Act, and includes, unless the context otherwise requires, a council of employee organizations; "Employee organization."
- (o) "employer" means Her Majesty in right of Canada as represented by, "Employer."
 - (i) in the case of any portion of the public service of Canada specified in Part I of Schedule A, the Treasury Board, and
 - (ii) in the case of any portion of the public service of Canada specified in Part II of Schedule A, the separate employer concerned;
- (p) "grievance" means a complaint in writing presented in accordance with this Act by an employee on his own behalf or on behalf of himself and one or more other employees, except that "Grievance."
 - (i) for the purposes of any of the provisions of this Act respecting grievances, a reference to an "employee" includes a person who would be an employee but for the fact that he is a person employed in a managerial or confidential capacity, and
 - (ii) for the purposes of any of the provisions of this Act respecting grievances with respect to disciplinary action resulting in discharge or suspension, a reference to an "employee" includes a former employee or a person who would be a former employee but for the fact that at the time of his discharge or suspension he was a person

- employed in a managerial or confidential capacity;
- "Initial certification period." (q) "initial certification period" means, in respect of employees in any occupational category, the period ending on the day specified in Column III of Schedule B applicable to that occupational category;
- "Occupational category." (r) "occupational category" means any of the following categories of employees, namely,
 (i) scientific and professional,
 (ii) technical,
 (iii) administrative and foreign service,
 (iv) administrative support, or
 (v) operational,
 and any other occupationally-related category of employees determined by the Board to be an occupational category;
- "Occupational group." (s) "occupational group" means a group of employees specified and defined by the Public Service Commission under subsection (1) of section 26;
- "Parties." (t) "parties" means
 (i) in relation to collective bargaining, arbitration or a dispute, the employer and a bargaining agent, and
 (ii) in relation to a grievance, the employer and the employee who presented the grievance;
- "Person employed in a managerial or confidential capacity." (u) "person employed in a managerial or confidential capacity", means any person who
 (i) is employed in a position confidential to the Governor General, a Minister of the Crown, a judge of the Supreme or Exchequer Court of Canada, the deputy head of a department or the chief executive officer of any other portion of the Public Service, or
 (ii) is employed as a legal officer in the Department of Justice,
 and includes any other person employed in the Public Service who in connection with an application for certification of a bargaining agent for a bargaining unit is designated by the Board, or who in any case where a bargaining agent for a bargaining unit has been certified by the Board is designated in prescribed manner by the employer, or by the Board on objection thereto by the bargaining agent, to be a person
 (iii) who has executive duties and responsibilities in relation to the development and administration of government programs,

- (iv) whose duties include those of a personnel administrator or who has duties that cause him to be directly involved in the process of collective bargaining on behalf of the employer,
- (v) who is required by reason of his duties and responsibilities to deal formally on behalf of the employer with a grievance presented in accordance with the grievance process provided for by this Act,
- (vi) who is employed in a position confidential to any person described in subparagraph (ii), (iii), (iv) or (v), or
- (vii) who is not otherwise described in subparagraph (iii), (iv), (v) or (vi), but who in the opinion of the Board should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;
- (v) "prescribed" means prescribed by regulation of the Board; "Prescribed."
- (w) "process for resolution of a dispute" means either of the following processes for the resolution of a dispute, namely:
 - (i) by the referral of the dispute to arbitration, or
 - (ii) by the referral thereof to a conciliation board;
 "Process for resolution of a dispute."
- (x) "Public Service" means the several positions in or under any department or other portion of the public service of Canada specified from time to time in Schedule A; "Public Service."
- (y) "remuneration" includes a *per diem* or other allowance for the performance of the duties of a position or office; "Remuneration."
- (z) "separate employer" means any portion of the public service of Canada specified from time to time in Part II of Schedule A; "Separate employer."
- (aa) "strike" includes a cessation of work or a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output; and "Strike."
- (bb) "Vice-Chairman" means the Vice-Chairman of the Board. "Vice-Chairman."

APPLICATION.

Public Service.

Application
to Public
Service.

3. This Act applies to all portions of the Public Service.

Additions to and Transfers within Schedule A.

Authority
to add to
Schedule A.

4. The Governor in Council may by order add to Part I or Part II of Schedule A, as the case may be, the name of any portion of the public service of Canada heretofore or hereafter established and not otherwise specified in Schedule A,

- (a) to which the *Industrial Relations and Disputes Investigation Act* does not apply or that has been excluded from the operation of Part I of that Act; and
- (b) in respect of which a Minister of the Crown, the Treasury Board or the Governor in Council is authorized to establish or approve some or all of the terms and conditions of employment of persons employed therein.

Authority
to transfer
within
Schedule A.

5. (1) The Governor in Council may by order delete the name of any portion of the public service of Canada specified from time to time in Part I or Part II of Schedule A, and shall thereupon add the name of that portion to the other Part of Schedule A, except that where that portion

- (a) no longer has any employees,
- or

- (b) is a corporation that has been excluded from the provisions of Part I of the *Industrial Relations and Disputes Investigation Act*,

he is not required to add the name of that portion to the other Part of Schedule A.

Where
corporation
deleted from
one Part of
Schedule A
and not
added to
other Part.

(2) Where the Governor in Council deletes from one Part of Schedule A the name of any corporation that has been excluded from the provisions of Part I of the *Industrial Relations and Disputes Investigation Act* and does not thereupon add the name of that corporation to the other Part of Schedule A, the exclusion of that corporation from the provisions of Part I of that Act ceases to have effect.

BASIC RIGHTS AND PROHIBITIONS.

Rights.

Right of
membership
in employee
organization.

6. Every employee may be a member of an employee organization and may participate in the lawful

activities of the employee organization of which he is a member.

7. Nothing in this Act shall be construed to affect the right or authority of the employer to determine the organization of the Public Service and to assign duties to and classify positions therein.

Right of employer.

Prohibitions.

8. (1) No person who is employed in a managerial or confidential capacity, whether or not he is acting on behalf of the employer, shall participate in or interfere with the formation or administration of an employee organization or the representation of employees by such an organization.

Employer participation in employee organization.

(2) No person shall

- (a) refuse to employ or to continue to employ any person, or otherwise discriminate against any person in regard to employment or any term or condition of employment because the person is a member of an employee organization or was or is exercising any right under this Act;
- (b) impose any condition on an appointment or in a contract of employment or propose the imposition of any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act; or
- (c) seek by intimidation, by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee
 - (i) to become, refrain from becoming or cease to be, or
 - (ii) except as otherwise provided in a collective agreement, to continue to be, a member of an employee organization, or to refrain from exercising any other right under this Act;

Discrimination against members and intimidation.

but no person shall be deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed, or proposed to be employed, in a managerial or confidential capacity.

9. (1) Except in accordance with this Act or any regulation, collective agreement or arbitral award, no person employed in a managerial or confidential capacity, whether

Discrimination against employee organization.

or not he acts on behalf of the employer, shall discriminate against an employee organization.

Saving provision.

(2) Nothing in subsection (1) shall be construed to prevent a person employed in a managerial or confidential capacity from receiving representations from, or holding discussions with, the representatives of any employee organization.

Soliciting membership during working hours.

10. Except with the consent of the employer, no officer or representative of an employee organization shall attempt, on the employer's premises during the working hours of an employee, to persuade the employee to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization.

PART I.

PUBLIC SERVICE STAFF RELATIONS BOARD.

CONSTITUTION OF BOARD.

Chairman and Members.

Board established.

11. (1) There shall be a Board to be called the Public Service Staff Relations Board, consisting of a Chairman, a Vice-Chairman, and not less than four nor more than eight other members to be appointed as being representative in equal numbers of the interests of employees and of the interests of the employer respectively.

Chairman and Vice-Chairman.

(2) The Chairman and the Vice-Chairman shall be appointed by the Governor in Council to hold office during good behaviour for such period, not exceeding ten years, as may be determined by the Governor in Council, but either may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

Other members.

(3) Each of the other members of the Board shall be appointed by the Governor in Council to hold office during good behaviour for such period, not exceeding seven years, as may be determined by the Governor in Council, but a member so appointed may be removed for cause at any time by the Governor in Council.

Equality of representation.

(4) No member shall be appointed pursuant to subsection (3) as being representative of the interests of the employer or of the interests of employees without there being appointed a member representative of the other interest or whose appointment will result in there being a different number of members representative of the interests of the employer and employees respectively.

(5) A retiring Chairman, Vice-Chairman or other member may be re-appointed to the Board in the same or another capacity. Re-appoint-
ment of
members.

12. If the Chairman is absent or unable to act or the office of Chairman is vacant, the Vice-Chairman shall act as Chairman, and while he is so acting the Vice-Chairman has and may exercise all of the powers and functions of the Chairman under this Act. Vice-
Chairman.

Qualifications for Membership.

13. (1) A person is not eligible to hold office as a member of the Board if Qualifica-
tions.

- (a) he is not a Canadian citizen;
- (b) he holds any other office or employment under the employer;
- (c) he is a member of or holds an office or employment under an employee organization that is a bargaining agent; or
- (d) he has attained the age of seventy years.

(2) Where a member ceases to be a member of the Board for any reason specified in subsection (1) he may, notwithstanding anything in this Act, carry out and complete any duties or responsibilities that he would otherwise have had if he had not ceased to be a member in connection with any matter Exception.

- (a) that came before the Board while he was still a member thereof; and
- (b) in respect of which there was any proceeding in which he participated as a member.

Remuneration.

14. (1) The Chairman and the Vice-Chairman shall be paid such salary or other remuneration as may be determined by the Governor in Council. Remunera-
tion of
Chairman
and Vice-
Chairman.

(2) Other members of the Board shall be paid such salary or other remuneration as may be determined by the Governor in Council, but the rate of salary or remuneration paid to each such member shall be the same as that paid to other such members. Remunera-
tion of other
members.

Head Office and Meetings.

15. (1) The head office of the Board shall be at the City of Ottawa. Head
office

(2) The Board may meet at such times and places as it considers necessary or desirable for the proper conduct of its business. Time and
place of
meeting.

Meetings for
conduct of
business.

16. (1) At any meeting of the Board for the conduct of its business, at least the following members, namely:

- (a) the Chairman or the Vice-Chairman,
 - (b) one member who has been appointed as being representative of the interests of employees, and
 - (c) one member who has been appointed as being representative of the interests of the employer,
- shall be present.

Divisions of
the Board.

(2) For the purpose of facilitating the hearing or determination of any matter by the Board, the Chairman may direct that the powers, duties and functions of the Board under this Act shall be exercised and performed by a division of the Board, to consist of

- (a) either the Chairman or the Vice-Chairman; and
- (b) at least two other members to be designated by the Chairman in such a manner as to ensure that the number of members appointed as being representative of the interests of employees equals the number of members appointed as being representative of the interests of the employer.

Decision of
majority.

(3) A decision of a majority of those present at any meeting of the Board, or of a division thereof, is a decision of the Board or the division thereof, as the case may be, except that where both the Chairman and the Vice-Chairman are present at any meeting of the Board only the Chairman may vote.

Staff and Experts.

Chairman
to be Chief
executive
officer.

17. (1) The Chairman is the chief executive officer of the Board.

Appointment
of secretary.

(2) A secretary of the Board shall be appointed under the provisions of the *Public Service Employment Act*, who shall, subject to the direction of the Chairman, have supervision over and direction of the work and staff of the Board.

Other
Staff.

(3) Such other officers and employees as the Board deems necessary for the performance of its duties shall be appointed under the provisions of the *Public Service Employment Act*.

Appointment
of experts
and advisers.

(4) The Chairman may appoint and, subject to the approval of the Governor in Council, fix the remuneration of, conciliators and other experts or persons having technical or special knowledge to assist the Board in an advisory capacity.

POWERS AND DUTIES OF THE BOARD.

18. The Board shall administer this Act and shall exercise such powers and perform such duties as are conferred or imposed upon it by, or as may be incidental to the attainment of the objects of, this Act including, without restricting the generality of the foregoing, the making of orders requiring compliance with the provisions of this Act, with any regulation made hereunder or with any decision made in respect of a matter coming before it.

Powers and
duties of
the Board.

19. (1) The Board may make regulations of general application respecting

Authority of
Board to
make
regulations.

- (a) the manner in which persons shall be designated by the employer, or by the Board on objection thereto by a bargaining agent, to be persons described in subparagraphs (iii) to (vii) of paragraph (u) of section 2;
- (b) the determination of units of employees appropriate for collective bargaining;
- (c) the certification of bargaining agents for bargaining units and the hearing or determination of applications to record alterations in the process for resolution of disputes applicable to bargaining units;
- (d) the hearing or determination of questions of law or jurisdiction that may be referred to it as a result of arbitration, adjudication or other proceedings under this Act;
- (e) the hearing or determination of any matter relating to or arising out of the revocation of certification of a bargaining agent, including the rights and privileges that have accrued to and are retained by any employee notwithstanding such revocation;
- (f) the rights, privileges and duties that are acquired or retained by an employee organization in respect of a bargaining unit or any employee included therein where there is a merger, amalgamation or transfer of jurisdiction between two or more such organizations;
- (g) the establishment of rules of procedure for its hearings and those of the Arbitration Tribunal and an adjudicator;
- (h) the specification of the time within which and the persons to whom notices and other documents shall be sent and when such notices shall be deemed to have been given and received;
- (i) the determination of the form in which, and the time as of which, evidence

- (i) as to membership of employees in an employee organization,
- (ii) of objection by employees to certification of an employee organization, or
- (iii) of signification by employees that they no longer wish to be represented by an employee organization

shall be presented to the Board upon an application for certification of or for revocation of certification of a bargaining agent, and the circumstances in which evidence as to membership of employees in an employee organization may be received by the Board as evidence that such employees wish that employee organization to represent them as their bargaining agent;

- (j) the hearing of complaints under section 20;
- (k) the authority vested in a council of employee organizations that shall be considered appropriate authority within the meaning of paragraph (b) of subsection (2) of section 28; and
- (l) such other matters and things as may be incidental or conducive to the objects and purposes of the Board, the exercise of its powers and the attainment of the objects of this Act.

When
regulations
effective.

(2) Regulations of general application made under subsection (1) have effect upon publication in the *Canada Gazette*.

Complaints.

20. (1) The Board shall examine and inquire into any complaint made to it that the employer, or any person acting on its behalf, or that an employee organization, or any person acting on its behalf, has failed

- (a) to observe any prohibition contained in section 8, 9 or 10;
- (b) to give effect to any provision of an arbitral award;
- (c) to give effect to a decision of an adjudicator with respect to a grievance; or
- (d) to comply with any regulation respecting grievances made by the Board pursuant to section 99.

Order of
Board
directing
compliance.

(2) Where under subsection (1) the Board determines that any person has failed to observe any prohibition, to give effect to any provision or decision or to comply with any regulation as described in subsection (1),

it may make an order, addressed to that person, directing him to observe the prohibition, give effect to the provision or decision or comply with the regulation, as the case may be, or take such action as may be required in that behalf within such specified period as the Board may consider appropriate and,

- (a) where that person has acted or purported to act on behalf of the employer, it shall direct its order as well
 - (i) in the case of a separate employer, to the chief executive officer thereof, and
 - (ii) in any other case, to the Secretary of the Treasury Board; and
- (b) where that person has acted or purported to act on behalf of an employee organization, it shall direct its order as well to the chief officer of that employee organization.

21. Where any order made under section 20 directs some action to be taken and is not complied with within the period specified in the order for the taking of such action, the Board shall forward to the Minister through whom it reports to Parliament a copy of its order, a report of the circumstances and all documents relevant thereto, and the copy of the order, the report and the relevant documents shall be laid by the Minister before Parliament within fifteen days after receipt thereof by him or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Where order not complied with.

22. The Board has, in relation to the hearing or determination of matters relating to certification and the hearing of complaints under section 20, power

Powers of Board re certification and complaints.

- (a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the Board deems requisite to the full investigation and consideration of matters within its jurisdiction in the same manner and to the same extent as a superior court of record;
- (b) to administer oaths and affirmations;
- (c) to receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it sees fit, whether admissible in a court of law or not and, without limiting the generality of the foregoing, the Board may refuse to accept any evidence that is not

presented in the form and as of the time prescribed;

- (d) to require the employer to post and keep posted in appropriate places any notices that the Board deems necessary to bring to the attention of any employees any matter or proceeding before the Board;
- (e) subject to such limitations as the Governor in Council in the interests of defence or security may prescribe, to enter any premises of the employer where work is being or has been done by employees and to inspect and view any work, material, machinery, appliances or articles therein and interrogate any person respecting any matter;
- (f) to enter upon the employer's premises for the purpose of conducting representation votes during working hours; and
- (g) to authorize any person to do anything that the Board may do under paragraphs (b) to (f) and to report to the Board thereon.

Questions of law or jurisdiction to be referred to Board.

23. Where any question of law or jurisdiction arises in connection with a matter that has been referred to the Arbitration Tribunal or to an adjudicator pursuant to this Act, the Arbitration Tribunal or adjudicator, as the case may be, or either of the parties may refer the question to the Board for hearing or determination in accordance with any regulations made by the Board in respect thereof, but the referral of any such question to the Board shall not operate to suspend any proceedings in connection with that matter unless the Arbitration Tribunal or adjudicator, as the case may be, determines that the nature of the question warrants a suspension of the proceedings or unless the Board directs the suspension thereof.

Application of orders.

24. Where under this Act the Board may make or issue any order or direction, prescribe any term or condition or do any other thing in relation to any person, the Board may do so, either generally or in any particular case or class of cases.

Review or amendment of orders.

25. The Board may review, rescind, amend, alter or vary any decision or order made by it, or may rehear any application before making an order in respect thereof, except that any rights acquired by virtue of any decision or order that is so reviewed, rescinded, amended, altered or varied shall not be altered or extinguished with effect from a day earlier than the day on which such review, rescission, amendment, alteration or variation is made.

PART II.

COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS.

COMMENCEMENT OF COLLECTIVE BARGAINING.

26. (1) The Public Service Commission shall, within fifteen days after the coming into force of this Act, specify and define the several occupational groups within each occupational category enumerated in subparagraphs (i) to (v) of paragraph (r) of section 2, in such manner as to comprise therein all employees in the Public Service in respect of whom Her Majesty as represented by the Treasury Board is the employer, and shall thereupon cause notice of its action and of the occupational groups so specified and defined by it to be published in the *Canada Gazette*.

Specifica-
tion of
occupational
groups.

(2) The Public Service Commission, in specifying and defining the several occupational groups within each occupational category pursuant to subsection (1), shall specify and define those groups on the basis of the grouping of positions and employees, according to the duties and responsibilities thereof, under the program of classification revision undertaken by the Civil Service Commission prior to the coming into force of this Act.

Groups to be
specified
on basis of
program of
classification
revision.

(3) As soon as possible after the coming into force of this Act the Board shall, for each occupational category, specify the day on and after which an application for certification as bargaining agent for a bargaining unit comprised of employees included in that occupational category may be made by an employee organization, which day shall not, for any occupational category, be later than the sixtieth day after the coming into force of this Act.

When appli-
cation for
certification
may be
made.

(4) During the initial certification period, a unit of employees in respect of whom Her Majesty as represented by the Treasury Board is the employer may be determined by the Board as a unit appropriate for collective bargaining only if that unit is comprised of

Bargaining
units during
initial
certification
period.

- (a) all of the employees in an occupational group;
- (b) all of the employees in an occupational group other than employees whose duties include the supervision of other employees in that occupational group; or
- (c) all of the employees in an occupational group whose duties include the supervision of other employees in that occupational group.

(5) Subsection (4) does not apply where, upon an application for certification as bargaining agent for a proposed bargaining unit,

Where
objection
filed.

- (a) the employee organization making the application, or any employee organization whose members include employees in the proposed bargaining unit, has filed with the Board an objection to the determination of a bargaining unit in consequence of the application on the basis specified in subsection (4), on the ground that such a bargaining unit would not permit satisfactory representation of employees included therein and, for that reason, would not constitute a unit of employees appropriate for collective bargaining; and
- (b) the Board, after considering the objection, is satisfied that such a bargaining unit would not, for that reason, constitute a unit of employees appropriate for collective bargaining.

Times
relating to
commence-
ment of
collective
bargaining
during
initial
certification
period.

(6) During the initial certification period, in respect of each occupational category,

- (a) notice to bargain collectively may be given in respect of a bargaining unit comprised of employees included in that occupational category only after the day specified in Column I of Schedule B applicable to that occupational category; and
- (b) a collective agreement may be entered into or an arbitral award rendered in respect of a bargaining unit comprised of employees included in that occupational category only after the day specified in Column II of Schedule B applicable to that occupational category;

and any collective agreement entered into or arbitral award rendered during the initial certification period in respect of a bargaining unit comprised of employees included in that occupational category shall remain in effect until the day specified in Column III of Schedule B applicable to that occupational category, and no longer.

Other
occupational
categories.

(7) Where, during the initial certification period, an occupationally-related category of employees is determined by the Board to be an occupational category for the purposes of this Act, the Board shall, at the time of making the determination,

- (a) specify the day corresponding to that described in subsection (3) which shall apply in relation to that occupational category as though it were specified by the Board under that subsection; and
- (b) specify the days corresponding to those described in Columns I, II and III of Schedule B which shall apply in relation to that occupa-

tional category as though they were specified in Columns I, II and III of Schedule B, respectively.

CERTIFICATION OF BARGAINING AGENTS.

Application for Certification.

27. An employee organization seeking to be certified as bargaining agent for a group of employees that it considers constitutes a unit of employees appropriate for collective bargaining may, subject to section 30, apply in the manner prescribed to the Board for certification as bargaining agent for the proposed bargaining unit.

Application by employee organization.

28. (1) Where two or more employee organizations have come together to form a council of employee organizations, the council so formed may, subject to section 30, apply in the manner prescribed to the Board for certification as described in section 27.

Application by council of organizations.

(2) The Board may certify a council of employee organizations as bargaining agent for a bargaining unit where the Board is satisfied that

Requirements and conditions for certification of council.

(a) the requirements for certification established by this Act are met; and

(b) each of the employee organizations forming the council has vested appropriate authority in the council to enable it to discharge the duties and responsibilities of a bargaining agent.

29. A council of employee organizations shall, for all purposes of this Act except subsection (2) of section 28, be deemed to be an employee organization, and membership in any employee organization that is part of a council of employee organizations shall for the same purposes be deemed to be membership in the council.

Council deemed to be employee organization.

When Application for Certification may be made.

30. (1) Where a collective agreement or an arbitral award is in force and is for a term of not more than two years, an employee organization may apply to the Board for certification as bargaining agent for any of the employees in the bargaining unit to which the agreement or award applies only after the commencement of the last two months of its operation.

When agreement concluded for term of not more than two years.

(2) Where a collective agreement or an arbitral award is in force and is for a term of more than two years, an employee organization may apply to the Board for cer-

When agreement concluded for term of more than two years.

tification as bargaining agent for any of the employees in the bargaining unit to which the agreement or award applies only

- (a) after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation;
- (b) during the two-month period immediately preceding the end of each year that the agreement or award continues to operate after the second year of its operation; or
- (c) after the commencement of the last two months of its operation.

When agreement concluded for indefinite term.

(3) Where a collective agreement referred to in subsection (1) or (2) provides that it will continue to operate after the term specified therein for a further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the collective agreement, an employee organization may apply to the Board for certification as bargaining agent for any of the employees in the bargaining unit to whom the collective agreement applies at any time permitted by subsection (1) or (2), as the case may be, or during the two-month period immediately preceding the end of each year that the collective agreement continues to operate after the term specified therein.

No certification where previous application refused within six months.

31. Where an application for certification of an employee organization as bargaining agent for a proposed bargaining unit has been refused by the Board, the Board shall not certify the employee organization as bargaining agent for the same or substantially the same proposed bargaining unit until at least six months have elapsed from the day on which the Board last refused such certification, unless the Board is satisfied that the previous application was refused by reason only of a technical error or omission made in connection therewith.

Determination of Appropriate Bargaining Units.

Determination of unit appropriate for collective bargaining.

32. (1) Where an employee organization has made application to the Board for certification as described in section 27, the Board shall, subject to subsection (4) of section 26, determine the relevant group of employees that constitutes a unit appropriate for collective bargaining.

Matters to be taken into account by Board.

(2) In determining whether a group of employees constitutes a unit appropriate for collective bargaining, the Board shall take into account, having regard to the

proper functioning of this Act, the duties and classification of the employees in the proposed bargaining unit in relation to any plan of classification as it may apply to the employees in the proposed bargaining unit.

(3) No employee may be included in a bargaining unit who is performing duties or is entrusted with responsibilities that relate to an occupational category other than the occupational category to which the duties performed by and responsibilities entrusted to the other employees in that unit relate.

Duties of employees in bargaining unit to be similar.

(4) For the purposes of this Act, a unit of employees may be determined by the Board to constitute a unit appropriate for collective bargaining whether or not its composition is identical with the group of employees in respect of which application for certification was made.

Composition of bargaining unit.

33. Where, at any time following the determination by the Board of a group of employees to constitute a unit appropriate for collective bargaining, any question arises as to whether any employee or class of employees is or is not included therein or is included in any other unit, the Board shall, on application by the employer or any employee organization affected, determine the question.

Determination of membership in bargaining units.

Certification.

34. Where the Board

- (a) has received from an employee organization an application for certification as bargaining agent for a bargaining unit in accordance with this Act,
- (b) has determined the group of employees that constitutes a unit appropriate for collective bargaining in accordance with section 32,
- (c) is satisfied that a majority of employees in the bargaining unit wish the employee organization to represent them as their bargaining agent, and
- (d) is satisfied that the persons representing the employee organization in the making of the application have been duly authorized to make the application,

Certification of employee organization as bargaining unit.

the Board shall, subject to this Act, certify the employee organization making the application as bargaining agent for the employees in that bargaining unit.

35. (1) For the purpose of enabling the Board to discharge any obligation imposed by section 34 to satisfy itself as to the matters described in paragraphs (c) and (d) of that section, the Board may

Powers of Board in relation to certification.

- (a) examine, in accordance with any regulations that may be made by the Board in that behalf, such evidence as is submitted to it respecting membership of the employees in the proposed bargaining unit in the employee organization seeking certification;
 - (b) make or cause to be made such examination of records or make such inquiries as it deems necessary; and
 - (c) examine documents forming or relating to the constitution or articles of association of the employee organization seeking certification;
- and, in its sole discretion, the Board may in any case for the purpose of satisfying itself that a majority of employees in the bargaining unit wish the employee organization to represent them as their bargaining agent, direct that a representation vote be taken among the employees in the bargaining unit.

Where
representa-
tion vote to
be taken.

(2) Where under subsection (1) the Board directs that a representation vote be taken, the Board shall

- (a) determine the employees that are eligible to vote; and
- (b) make such arrangements and give such directions as to it appear requisite for the proper conduct of the representation vote including the preparation of ballots, the method of casting and counting ballots and the custody and sealing of ballot boxes.

Specification
of process for
resolution of
disputes.

36. (1) Subject to subsection (2) of section 37, every bargaining agent for a bargaining unit shall, in such manner as may be prescribed, specify which of either of the processes described in paragraph (w) of section 2 shall be the process for resolution of any dispute to which it may be a party in respect of that bargaining unit.

Employer to
furnish
statement.

(2) For the purpose of facilitating the specification by a bargaining agent of the process for resolution of any dispute to which it may be a party in respect of a bargaining unit, the Board shall, upon request in writing to it by the bargaining agent, by notice require the employer to furnish to the Board and the bargaining agent a statement in writing of the employees or classes of employees in the bargaining unit whom the employer then considers to be designated employees within the meaning of section 79, and the employer shall, within fourteen days after the receipt of such notice, furnish such statement to the Board and the bargaining agent.

Process for
resolution of
disputes to
be recorded.

37. (1) Where a bargaining agent for a bargaining unit has specified the process for resolution of a dispute as

provided in subsection (1) of section 36, the Board shall record, as part of the certification of the bargaining agent for that bargaining unit, the process so specified.

(2) The process for resolution of a dispute specified by a bargaining agent as provided in subsection (1) of section 36 and recorded by the Board under subsection (1) of this section shall be the process applicable to that bargaining unit for the resolution of all disputes from the day on which any notice to bargain collectively in respect of that bargaining unit is given next following the specification of the process, and thereafter until the process is altered in accordance with section 38.

Period during which process to apply.

38. (1) A bargaining agent for a bargaining unit may, in such manner and circumstances as may be prescribed, apply to the Board to record an alteration in the process for resolution of a dispute that is applicable to the bargaining unit in respect of which it is certified.

Application for alteration of process.

(2) The Board shall record an alteration in the process for resolution of a dispute made pursuant to an application under subsection (1) in the same manner as is provided in subsection (1) of section 37 in relation to the initial specification of the process for resolution of a dispute.

Alteration to be included.

(3) An alteration in the process for resolution of a dispute applicable to a bargaining unit becomes effective on the day that any notice to bargain collectively is given next following the alteration and remains in effect until the process for resolution of a dispute is again altered pursuant to subsection (2).

Effective date and duration.

Where Certification Prohibited.

39. (1) The Board shall not certify as bargaining agent for a bargaining unit, any employee organization in the formation or administration of which there has been or is, in the opinion of the Board, participation by the employer or any person acting on behalf of the employer of such a nature as to impair its fitness to represent the interests of employees in the bargaining unit.

Where participation by employer in formation of employee organization.

(2) The Board shall not certify as bargaining agent for a bargaining unit, any employee organization that

- (a) receives from any of its members who are employees,
- (b) handles or pays in its own name on behalf of members who are employees, or
- (c) requires as a condition of membership therein the payment by any of its members of, any money for activities carried on by or on behalf of any political party.

Where money received or paid for activities by political party.

Where
discrimina-
tion by reason
of race,
etc.

(3) The Board shall not certify as bargaining agent for a bargaining unit, any employee organization that discriminates against any employee because of sex, race, national origin, colour or religion.

Effect of Certification.

Effect of
certification.

40. (1) Where an employee organization is certified under this Act as the bargaining agent for a bargaining unit,

(a) the employee organization has the exclusive right under this Act

(i) to bargain collectively on behalf of employees in the bargaining unit and to bind them by a collective agreement until its certification in respect of the bargaining unit is revoked, and

(ii) to represent, in accordance with this Act, an employee in the presentation or reference to adjudication of a grievance relating to the interpretation or application of a collective agreement or arbitral award applying to the bargaining unit to which the employee belongs;

(b) if another employee organization had been previously certified as bargaining agent in respect of employees in the bargaining unit, the certification of the previously certified bargaining agent is thereupon revoked in respect of such employees; and

(c) if, at the time of certification, a collective agreement or arbitral award binding on the employees in the bargaining unit is in force, the employee organization shall be substituted as a party to the agreement or award in place of the bargaining agent that had been a party thereto and may, notwithstanding anything contained in the agreement or award, terminate the agreement or award, in so far as it applies to the employees in the bargaining unit, upon two months' notice to the employer given within one month from such certification.

(2) In any case where paragraph (b) or (c) of subsection (1) applies, any question as to any right or duty of the previous bargaining agent or the new bargaining agent arising by reason of the application of that paragraph shall, on application by the employer or the previous or the new bargaining agent, be determined by the Board.

Determina-
tion of
questions
as to rights
of previous
or new
bargaining
agent.

REVOCATION OF CERTIFICATION.

On Application.

41. (1) Where a collective agreement or an arbitral award is in force in respect of a bargaining unit, any person claiming to represent a majority of the employees in that bargaining unit may, in accordance with subsection (2), apply to the Board for a declaration that the employee organization certified as bargaining agent for that bargaining unit no longer represents a majority of the employees therein.

Application for declaration that employee organization no longer represents employees.

(2) An application under subsection (1) may be made

When application may be made.

- (a) where the collective agreement or arbitral award is for a term of not more than two years, only after the commencement of the last two months of its operation;
- (b) where the collective agreement or arbitral award is for a term of more than two years, only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation, during the two-month period immediately preceding the end of each year that it continues to operate after the second year of its operation, or after the commencement of the last two months of its operation, as the case may be; and
- (c) where the collective agreement provides that it will continue to operate after the term specified therein for a further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or with a view to the making of a new collective agreement, at any time permitted by paragraph (a) or (b), as the case may be, or during the two-month period immediately preceding the end of each year that the agreement continues to operate after the term specified therein.

(3) Upon an application under subsection (1), the Board in its sole discretion may direct the taking of a representation vote in order to determine whether a majority of the employees in the bargaining unit no longer wish to be represented by the employee organization that is the bargaining agent for that bargaining unit, and in relation to the taking of any such vote the provisions of subsection (2) of section 35 apply.

Taking of representation vote.

Revocation
of certifica-
tion of
employee
organization.

(4) After hearing any application under subsection (1), the Board shall revoke the certification of an employee organization as bargaining agent for a bargaining unit if it is satisfied that a majority of the employees in that bargaining unit no longer wish to be represented by the employee organization.

For Abandonment or Other Cause.

Abandon-
ment of
certification.

42. (1) The Board shall revoke the certification of a bargaining agent where the bargaining agent advises the Board that it wishes to give up or abandon its certification or where the Board, upon application by the employer or any employee, determines that the bargaining agent has ceased to act as such.

Revocation
where
certification
prohibited
under s. 39.

(2) Where the Board, upon application to the Board by the employer or any employee, determines that a bargaining agent would not, if it were an employee organization applying for certification, be certified by the Board by reason of a prohibition contained in section 39, the Board shall revoke the certification of the bargaining agent.

For Fraud.

Certification
obtained by
fraud.

43. (1) Where at any time the Board is satisfied that an employee organization has obtained certification as bargaining agent for a bargaining unit by fraud, the Board shall revoke the certification of such employee organization.

Effect of
revocation.

(2) An employee organization the certification of which is revoked pursuant to subsection (1) is not entitled to claim any right or privilege flowing from such certification, and any collective agreement or arbitral award applying to the bargaining unit for which it was certified, to which such employee organization was a party, is void.

Revocation of Certification of Council.

Revocation
of certifica-
tion of
council.

44. In addition to the circumstances in which, pursuant to section 41, 42 or 43, the certification of a bargaining agent may be revoked, where an employee organization that is a council of employee organizations has been certified as bargaining agent for a bargaining unit, the Board, on application to it by the employer or an employee organization that forms or has formed part of the council, shall revoke the certification of the council where it determines that, by reason of

- (a) an alteration in the constituent membership of the council, or
- (b) any other circumstance,

the council no longer meets the additional requirements for certification required for a council of employee organizations by subsection (2) of section 28.

Effect of Revocation:

Rights of Employee Organizations and Employees.

45. Where, at the time the certification of a bargaining agent for a bargaining unit is revoked, a collective agreement or arbitral award binding on the employees in that bargaining unit is in force, except where another employee organization is substituted as a party to the agreement or award upon the revocation of such certification the agreement or award shall thereupon cease to be in effect.

Effect of revocation where collective agreement or arbitral award in force.

46. Where the certification of a bargaining agent for a bargaining unit is revoked by the Board pursuant to section 41, 42 or 44, any question as to any right or duty of that bargaining agent or of any new bargaining agent replacing it shall, on application by either organization, be determined by the Board.

Determination of rights of bargaining agent by Board.

47. Where the certification of a bargaining agent for a bargaining unit is revoked by the Board pursuant to section 41, 42, 43 or 44 and as a result thereof a collective agreement or arbitral award binding on the employees in the bargaining unit ceases to be in effect or a collective agreement or arbitral award applying to the bargaining unit is void, the Board shall, on application to it by or on behalf of any employee and in accordance with any regulations made by it in respect thereof, direct the manner in which any right acquired by, or determined by the Board to have accrued to, an employee that is affected by the revocation is to be recognized and given effect to.

Direction as to manner in which rights acquired by employee are to be recognized.

Successor Rights.

48. Where, upon a merger or amalgamation of employee organizations or a transfer of jurisdiction among employee organizations otherwise than as a result of revocation of certification, any question arises concerning the rights, privileges and duties of an employee organization under this Act or under a collective agreement or arbitral award in respect of a bargaining unit or an employee therein, the Board, on application to it by any employee organization affected, shall examine the question and may, in accordance with any regulations made by it in respect thereof, declare or determine what rights, privileges and duties if any have been acquired or are retained, as the case may be, by that employee organization.

Mergers, amalgamations and transfers of jurisdiction.

NEGOTIATION OF COLLECTIVE AGREEMENTS.

Notice to Bargain Collectively.

Notice to
bargain
collectively.

49. (1) Where the Board has certified an employee organization as bargaining agent for a bargaining unit and the process for resolution of a dispute applicable to that bargaining unit has been specified as provided in subsection (1) of section 36,

- (a) the bargaining agent may, on behalf of the employees in the bargaining unit, by notice in writing require the employer to commence bargaining collectively, or
- (b) the employer may by notice in writing require the bargaining agent to commence bargaining collectively,

with a view to the conclusion, renewal or revision of a collective agreement.

When notice
may be
given.

- (2) Notice to bargain collectively may be given
- (a) where no collective agreement or arbitral award is in force and no request for arbitration has been made by either of the parties in accordance with this Act, at any time; and
- (b) where a collective agreement or arbitral award is in force, within the period of two months before the agreement or award ceases to operate.

Where Notice Given.

Commence-
ment of
collective
bargaining.

50. Where notice to bargain collectively has been given, the bargaining agent and the officers designated to represent the employer shall, without delay, but in any case within twenty days after the notice was given or within such further time as the parties may agree, meet and commence to bargain collectively in good faith and make every reasonable effort to conclude a collective agreement.

Continuation
in force of
terms and
conditions of
employment.

51. Where notice to bargain collectively has been given, any term or condition of employment applicable to the employees in the bargaining unit in respect of which the notice was given that may be embodied in a collective agreement and that was in force on the day the notice was given, shall remain in force and shall be observed by the employer, the bargaining agent for the bargaining unit and the employees in the bargaining unit, except as otherwise provided by any agreement in that behalf that may be entered into by the employer and the bargaining agent, until such time as

- (a) in the case of a bargaining unit for which the process for resolution of a dispute is by the referral thereof to arbitration,
 - (i) a collective agreement has been entered into by the parties and no request for arbitration in respect of that term or condition of employment, or in respect of any term or condition of employment proposed to be substituted therefor, has been made in the manner and within the time prescribed therefor by this Act, or
 - (ii) a request for arbitration in respect of that term or condition of employment, or in respect of any term or condition of employment proposed to be substituted therefor, has been made in accordance with this Act and a collective agreement has been entered into or an arbitral award has been rendered in respect thereof; and
- (b) in the case of a bargaining unit for which the process for resolution of a dispute is by the referral thereof to a conciliation board,
 - (i) a collective agreement has been entered into by the parties,
 - (ii) a conciliation board has been established in accordance with this Act and seven days have elapsed from the receipt by the Chairman of the report of the conciliation board, or
 - (iii) a request for the establishment of a conciliation board has been made in accordance with this Act and the Chairman has notified the parties pursuant to section 78 of his intention not to establish such a board.

Conciliation.

52. Where the employer or a bargaining agent advises the Board by notice in writing of the inability of the parties to reach agreement on any term or condition of employment that may be embodied in a collective agreement and that it desires the assistance of a conciliator in reaching agreement, the Chairman may appoint a conciliator who shall, forthwith after his appointment, confer with the parties and endeavour to assist them in reaching agreement.

Request for
conciliation.

53. A conciliator shall, within fourteen days from the date of his appointment or within such longer period as

Report of
conciliator.

the Chairman may determine, report his success or failure to the Chairman.

COLLECTIVE AGREEMENTS.

Authority to enter into Agreement.

Authority of
Treasury
Board to
enter into
collective
agreement.

54. The Treasury Board may, in such manner as may be provided for by any rules or procedures determined by it pursuant to section 3 of the *Financial Administration Act*, enter into a collective agreement with the bargaining agent for a bargaining unit, other than a bargaining unit comprised of employees of a separate employer, applicable to employees in that bargaining unit.

Authority of
separate
employer.

55. A separate employer may, with the approval of the Governor in Council, enter into a collective agreement with the bargaining agent for a bargaining unit comprised of employees of the separate employer, applicable to employees in that bargaining unit.

Provisions of Collective Agreement.

Time within
which
agreement
to be
implemented.

56. (1) The provisions of a collective agreement shall, subject to the appropriation by or under the authority of Parliament of any moneys that may be required by the employer therefor, be implemented by the parties,

(a) where a period within which the collective agreement is to be implemented is specified in the collective agreement, within that period; and

(b) where no period for implementation is so specified

(i) within a period of ninety days from the date of its execution, or

(ii) within such longer period as may, on application by either party to the agreement, appear reasonable to the Board.

(2) No collective agreement shall provide, directly or indirectly, for the alteration or elimination of any existing term or condition of employment or the establishment of any new term or condition of employment,

(a) the alteration or elimination of which or the establishment of which, as the case may be, would require or have the effect of requiring the enactment or amendment of any legislation by Parliament, except for the purpose of appropriating moneys required for its implementation, or

No term or
condition
to be
included
requiring
legislative
implemen-
tation.

- (b) that has been or may be, as the case may be, established pursuant to any Act specified in Schedule C.

Duration and Effect.

57. (1) A collective agreement has effect in respect of a bargaining unit on and from, When agreement effective.

- (a) where an effective date is specified, that day; and

- (b) where no effective date is specified, the first day of the month next following the month in which the agreement is executed.

(2) Where a collective agreement

- (a) contains no provision as to its term, or

- (b) is for a term of less than one year,

Where no provision as to term of agreement.

the collective agreement shall, subject to subsection (6) of section 26, be deemed to be for a term of one year from the day on and from which it has effect pursuant to subsection (1).

(3) Nothing in subsection (2) shall be construed to prevent the amendment or revision of any provision of a collective agreement, other than a provision relating to the term of the collective agreement, that, under the agreement, may be amended or revised during the term thereof. Saving provision where agreement provides for amendment.

58. A collective agreement is, subject to and for the purposes of this Act, binding on the employer, on the bargaining agent that is a party thereto and its constituent elements, and on the employees in the bargaining unit in respect of which the bargaining agent has been certified, effective on and from the day on and from which it has effect pursuant to subsection (1) of section 57. Binding effect of agreement.

PART III.

PROVISIONS APPLICABLE TO RESOLUTION OF DISPUTES.

59. Where the employer and the bargaining agent for a bargaining unit have bargained collectively in good faith with a view to concluding a collective agreement but have failed to reach agreement, Provisions of Act applicable depending on process for resolution of dispute.

- (a) if the process for resolution of a dispute applicable to the bargaining unit is by the referral thereof to arbitration, sections 63 to 76 apply to the resolution of the dispute; and

- (b) if the process for resolution of a dispute applicable to the bargaining unit is by the referral

thereof to a conciliation board, sections 77 to 89 apply to the resolution of the dispute.

ARBITRATION.

Public Service Arbitration Tribunal.

Public
Service
Arbitration
Tribunal
established.

60. (1) There shall be a Tribunal to be called the Public Service Arbitration Tribunal, consisting of a chairman who shall be responsible for the administration of the system of arbitration provided for by this Act and two panels of other members, one panel to consist of at least three persons appointed by the Board as being representative of the interests of the employer and the other to consist of at least three persons appointed by the Board as being representative of the interests of employees.

Appointment
of chairman.

(2) The chairman of the Arbitration Tribunal shall be appointed by the Governor in Council on the recommendation of the Board to hold office during good behaviour for such term, not exceeding seven years, as may be determined by the Governor in Council, but he may, for cause, be removed by the Governor in Council on the unanimous recommendation of the Board.

Appointment
of other
members.

(3) A member of a panel appointed by the Board under subsection (1) shall be appointed for such term as the Board deems appropriate, but no member of a panel shall act in respect of any matter except on selection by the Chairman pursuant to subsection (4) in respect of a dispute.

Selection of
members to
hear and
determine
disputes.

(4) In respect of each dispute referred for arbitration, the Arbitration Tribunal shall consist, for the period of the arbitration proceedings, of the chairman of the Arbitration Tribunal and two other members, one each selected by the Chairman from each panel appointed under subsection (1).

Provision
for alternate
chairman.

(5) On the recommendation of the Board, the Governor in Council may appoint one or more alternate chairmen of the Arbitration Tribunal to hold office during good behaviour for such term, not exceeding five years, as may be determined by the Governor in Council, but any such alternate chairman may, for cause, be removed by the Governor in Council on the unanimous recommendation of the Board.

Authority of
alternate
chairman.

(6) An alternate chairman of the Arbitration Tribunal may, when so designated by the Board,

- (a) act in the place of the chairman of the Arbitration Tribunal during his absence or incapacity or if the office of chairman of the Arbitration Tribunal is vacant; and

- (b) preside over a division of the Arbitration Tribunal constituted under subsection (7).

(7) Where the Board considers it desirable, it may establish two or more divisions of the Arbitration Tribunal each of which shall consist of the chairman of the Arbitration Tribunal or an alternate chairman of the Arbitration Tribunal and two other members selected in the same manner as in subsection (4) and, in respect of any dispute referred to it for arbitration, a division of the Arbitration Tribunal has all the powers and duties of the Arbitration Tribunal.

Establishment of divisions to hear and determine disputes.

(8) A retiring chairman or alternate chairman of the Arbitration Tribunal or other member of either of the panels thereof may be re-appointed to the Tribunal in the same or another capacity.

Re-appointment of members.

61. (1) A person is not eligible to hold office as the chairman or as an alternate chairman of the Arbitration Tribunal or as a member thereof if, under subsection (1) of section 13, he would not be eligible to be a member of the Board, or if he is a member of the Board.

Qualifications for membership.

(2) No person shall act as chairman or as an alternate chairman of the Arbitration Tribunal or as a member thereof in respect of any matter referred to arbitration, if he has at any time since a day six months before the day of his appointment acted in respect of any matter concerning employer-employee relations as solicitor, counsel or agent of the employer or of any employee organization that has any interest in the matter referred to arbitration.

Idem.

62. The chairman, an alternate chairman and each other member of the Arbitration Tribunal shall be paid such salaries or other remuneration as may be fixed by the Governor in Council.

Remuneration of members.

Request for Arbitration.

63. (1) Where the parties to collective bargaining have bargained collectively in good faith with a view to concluding a collective agreement but have been unable to reach agreement on any term or condition of employment of employees in the relevant bargaining unit that may be embodied in an arbitral award, either party may, by notice in writing to the Secretary of the Board given

Request for arbitration.

- (a) at any time, where no collective agreement has been entered into by the parties and no request for arbitration has been made by either party since the commencement of the bargaining, or

(b) not later than seven days after any collective agreement is entered into by the parties, in any other case,
request arbitration in respect of that term or condition of employment.

Notice to
be given.

(2) Where arbitration is requested by notice under subsection (1), the party making the request shall

(a) specify in the notice the terms and conditions of employment in respect of which it requests arbitration and its proposals concerning the award to be made by the Arbitration Tribunal in respect thereof; and

(b) annex to the notice a copy of any collective agreement entered into by the parties.

Request for
arbitration
by other
party.

64. (1) Where notice under section 63 is received by the Secretary of the Board from any party requesting arbitration, the Secretary shall forthwith send a copy of the notice to the other party, who shall within seven days after receipt thereof advise the Secretary, by notice in writing, of any matter, additional to the matters specified in the notice under section 63, that was a subject of negotiation between the parties during the period before the arbitration was requested but on which the parties were unable to reach agreement, and in respect of which, being a matter that may be embodied in an arbitral award, that other party requests arbitration.

Notice to
include
proposal
concerning
award.

(2) Where arbitration in respect of any matter is requested by notice under subsection (1), the party making the request shall include in the notice its proposal concerning the award to be made by the Arbitration Tribunal in respect thereof.

Reference to Arbitration Tribunal.

Reference of
matter in
dispute to
Arbitration
Tribunal.

65. Where, in respect of any matter in dispute, the employer or the bargaining agent, or both, have requested arbitration, the Chairman shall refer the matter in dispute to the Arbitration Tribunal and shall at the same time send a copy of the notice under section 63 and of any notice under section 64 to the chairman of the Arbitration Tribunal.

Selection of
members to
hear and
determine
matter in
dispute.

66. Where the Chairman is required under section 65 to refer any matter in dispute to the Arbitration Tribunal, he shall, within a period of fourteen days from the date of the notice under section 63 requesting arbitration, select in the manner described in subsection (4) of section 60 the members of the Arbitration Tribunal, who shall proceed immediately to a consideration of the matter.

Consideration of Dispute and Award.

67. (1) Subject to section 70, the matters in dispute specified in the notice under section 63 and in any notice under section 64 sent by the Chairman to the chairman of the Arbitration Tribunal constitute the terms of reference of the Arbitration Tribunal in relation to the request for arbitration, and the Arbitration Tribunal shall, after considering the matters in dispute together with any other matter that the Arbitration Tribunal considers necessarily incidental to the resolution of the matters in dispute, render an arbitral award in respect thereof.

Matters
constituting
terms of
reference.

(2) Where, at any time before an arbitral award is rendered in respect of the matters in dispute referred by the Chairman to the Arbitration Tribunal, the parties reach agreement on any such matter and enter into a collective agreement in respect thereof, the matters in dispute so referred to the Arbitration Tribunal shall be deemed not to include that matter and no arbitral award shall be rendered by the Arbitration Tribunal in respect thereof.

Where
agreement
subsequently
reached.

68. In the conduct of proceedings before it and in rendering an arbitral award in respect of a matter in dispute the Arbitration Tribunal shall consider

Factors to
be taken into
account by
Arbitration
Tribunal.

- (a) the needs of the Public Service for qualified employees;
- (b) the conditions of employment in similar occupations outside the Public Service, including such geographic, industrial or other variations as the Arbitration Tribunal may consider relevant;
- (c) the need to maintain appropriate relationships in the conditions of employment as between different grade levels within an occupation and as between occupations in the Public Service;
- (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered; and
- (e) any other factor that to it appears to be relevant to the matter in dispute.

69. (1) Subject to this Act and any regulations made by the Board in respect thereof, the Arbitration Tribunal shall determine its own procedure but shall give full opportunity to both parties to present evidence and make submissions to it.

Procedure
governing
hearing and
determina-
tion of
disputes.

(2) The Arbitration Tribunal has all the powers of the Board set out in paragraphs (a) to (e) of section 22

Powers of
Arbitration
Tribunal.

and, in addition, may authorize any person to exercise any of the powers of the Arbitration Tribunal as set out in paragraphs (b) to (e) of section 22, and report to the Tribunal thereon.

Subject Matter of Arbitral Award.

Subject
matter of
arbitral
award.

70. (1) Subject to this section, an arbitral award may deal with rates of pay, hours of work, leave entitlements, standards of discipline and other terms and conditions of employment directly related thereto.

Award not
to contain
provisions
requiring
legislative
implementa-
tion.

(2) Subsection (2) of section 56 applies, *mutatis mutandis*, in relation to an arbitral award.

Matters not
to be dealt
with by
award.

(3) No arbitral award shall deal with the standards, procedures or processes governing the appointment, appraisal, promotion, demotion, transfer, lay-off or release of employees, or with any term or condition of employment of employees that was not a subject of negotiation between the parties during the period before arbitration was requested in respect thereof.

Award to be
limited to
bargaining
unit.

(4) An arbitral award shall deal only with terms and conditions of employment of employees in the bargaining unit in respect of which the request for arbitration was made.

Making of Arbitral Award.

Award to be
signed by
chairman.

71. (1) An arbitral award shall be signed by the chairman of the Arbitration Tribunal and copies thereof shall thereupon be transmitted to the parties to the dispute and to the Chairman, and no report or observations thereon shall be made or given by any other member.

Decision.

(2) A decision of a majority of the members of the Arbitration Tribunal in respect of the matters in dispute, or where a majority of such members cannot agree on the terms of the arbitral award to be rendered in respect thereof, the decision of the chairman of the Arbitration Tribunal, shall be the arbitral award in respect of the matters in dispute.

Form of
award.

(3) An arbitral award shall, wherever possible, be made in such form

- (a) as will be susceptible of being
 - (i) read and interpreted with, or
 - (ii) annexed to and published with,
 any collective agreement dealing with other terms and conditions of employment of the employees in the bargaining unit in respect of which the arbitral award applies; and
- (b) as will enable its incorporation into and implementation by regulations, by-laws, directives

or other instruments that may be required to be made or issued by the employer or the relevant bargaining agent in respect thereof.

Duration and Operation of Arbitral Awards.

72. (1) An arbitral award is, subject to and for the purposes of this Act, binding on the employer and the bargaining agent that is a party thereto and on the employees in the bargaining unit in respect of which the bargaining agent has been certified, effective on and from the day on which the award is rendered or such later day as the Arbitration Tribunal may determine.

Binding effect of arbitral award.

(2) A provision of an arbitral award made in respect of a term or condition of employment may be retroactive to the extent that it is capable of being retroactively applied, in whole or in part, to a day prior to the day on and from which the arbitral award becomes binding on the parties but not before,

Retroactive application.

- (a) in the case of an arbitral award rendered during the initial certification period, a day six months before the day specified in Column II of Schedule B applicable to the occupational category in which the employees in respect of whom the award is made are included; and
- (b) in any other case, the day on which notice to bargain collectively was given by either party.

(3) Where, in relation to any or all of the provisions of an arbitral award made in respect of terms and conditions of employment, there was previously in effect a collective agreement or arbitral award, the previous collective agreement or the previous arbitral award is displaced, to the extent of any conflict, for the term, determined in accordance with section 73, for which the subsequent award is operative.

Effect on previous collective agreement or award.

73. (1) The Arbitration Tribunal shall, in respect of every arbitral award, determine and specify therein the term for which the arbitral award is to be operative and, in making its determination, it shall take into account,

Term of arbitral award.

- (a) where a collective agreement applicable to the bargaining unit is in effect or has been entered into but is not yet in effect, the term of that collective agreement; and
- (b) where no collective agreement applying to the bargaining unit has been entered into,
 - (i) the term of any previous collective agreement that applied to the bargaining unit, or

- (ii) the term of any other collective agreement that to the Arbitration Tribunal appears relevant.

Limitation
on term of
award.

(2) Subject to subsection (6) of section 26, no arbitral award, in the absence of the application thereto of any criterion referred to in paragraph (a) or (b) of subsection (1), shall be for a term of less than one year or more than two years from the day on and from which it becomes binding on the parties.

Implementation of Arbitral Awards.

Implementa-
tion of
awards.

74. The rates of pay, hours of work, leave entitlements, standards of discipline and other terms and conditions of employment directly related thereto that are the subject of an arbitral award shall, subject to the appropriation by or under the authority of Parliament of any moneys that may be required by the employer therefor, be implemented by the parties within a period of ninety days from the date on and from which it becomes binding on the parties or within such longer period as, on application to the Board by either party, appears reasonable to the Board.

Completion and Variation of Arbitral Awards.

Reference
back to
Arbitration
Tribunal.

75. Where in respect of an arbitral award it appears to either of the parties that the Arbitration Tribunal has failed to deal with any matter in dispute referred to it by the Chairman, such party may, within seven days from the day the award is rendered, refer the matter back to the Arbitration Tribunal, and the Arbitration Tribunal shall thereupon deal with the matter in the same manner as in the case of a matter in dispute referred to it under section 65.

Authority to
amend or
vary award.

76. The Arbitration Tribunal may, upon application jointly by both parties to an arbitral award, amend, alter or vary any provision of that award where it is made to appear to the Arbitration Tribunal that the amendment, alteration or variation thereof is warranted having regard to circumstances that have arisen since the making of the award or of which the Arbitration Tribunal did not have notice at the time of the making thereof, or having regard to such other circumstances as the Arbitration Tribunal deems relevant.

CONCILIATION BOARDS.

Request for Establishment of Conciliation Board.

Request for
conciliation
board.

77. Where the parties to collective bargaining have bargained collectively in good faith with a view to

concluding a collective agreement but have been unable to reach agreement on any term or condition of employment of employees in the relevant bargaining unit that may be embodied in a collective agreement, either party may, by notice in writing to the Chairman, request the establishment of a conciliation board for the investigation and conciliation of the dispute.

Establishment of Conciliation Board.

78. (1) Where, in respect of a dispute,

- (a) any conciliator that may have been appointed under section 52 has made a final report to the Chairman that he has been unable to assist the parties in reaching agreement, and
- (b) either party has requested the establishment of a conciliation board,

Establishment of conciliation board where requested by either party.

the Chairman shall establish a board for the investigation and conciliation of the dispute unless it appears to him, after consultation with each of the parties, that the establishment of such a board is unlikely to serve the purpose of assisting the parties in reaching agreement, in which case the Chairman shall forthwith notify the parties in writing of his intention not to establish such a board.

(2) In any case not provided for under subsection (1), the Chairman may establish a board for the investigation and conciliation of a dispute where it appears to him that the establishment of such a board may serve the purpose of assisting the parties in reaching agreement, and that without the establishment of such a board the parties are unlikely to reach agreement, but before establishing such a board the Chairman shall notify the parties of his intention to do so.

Establishment of conciliation board in other cases.

79. (1) Notwithstanding section 78, no conciliation board shall be established for the investigation and conciliation of a dispute in respect of a bargaining unit until the parties have agreed on or the Board has determined pursuant to this section the employees or classes of employees in the bargaining unit (hereinafter in this Act referred to as "designated employees") whose duties consist in whole or in part of duties the performance of which at any particular time or after any specified period of time is or will be necessary in the interest of the safety or security of the public.

Designated employees.

(2) Within twenty days after notice to bargain collectively is given by either of the parties to collective bargaining, the employer shall furnish to the Board and the bargaining agent for the relevant bargaining unit a statement in writing of the employees or classes of employees in the

Employer to furnish statement.

bargaining unit who are considered by the employer to be designated employees.

Agreement
or
objection.

(3) If no objection to the statement referred to in subsection (2) is filed with the Board by the bargaining agent within such time after the receipt thereof by the bargaining agent as the Board may prescribe, such statement shall be taken to be a statement of the employees or classes of employees in the bargaining unit who are agreed by the parties to be designated employees, but where an objection to such statement is filed with the Board by the bargaining agent within the time so prescribed, the Board, after considering the objection and affording each of the parties an opportunity to make representations, shall determine which of the employees or classes of employees in the bargaining unit are designated employees.

Determina-
tion to be
communi-
cated to
parties.

(4) A determination made by the Board pursuant to subsection (3) is final and conclusive for all purposes of this Act, and shall be communicated in writing by the Chairman to the parties as soon as possible after the making thereof.

Employees
to be
informed.

(5) Within such time and in such manner as the Board may prescribe, all employees in a bargaining unit who are agreed by the parties or determined by the Board pursuant to this section to be designated employees shall be so informed by the Board.

Constitution
of con-
ciliation
board.
Appointment
of members.

80. (1) A conciliation board shall consist of three members appointed in the manner provided in this section.

(2) When a conciliation board is to be established, the Chairman shall by notice require each of the parties, within seven days from the receipt of such notice, to nominate one person each to be a member of the conciliation board, and upon receipt of the nominations within those seven days, the Chairman shall appoint the persons so nominated as members of the conciliation board.

Idem.

(3) If either of the parties fails to nominate a person within seven days from the receipt by it of the notice referred to in subsection (2), the Chairman shall appoint as a member of the conciliation board a person he deems fit for the purpose, and such member shall be deemed to have been appointed on the nomination of that party.

Appointment
of chairman.

(4) The two members appointed under subsection (2) or (3) shall, within five days after the day on which the second of them was appointed, nominate a third person who is ready and willing to act, to be chairman of the conciliation board, and the Chairman shall thereupon appoint such person as the chairman of the conciliation board.

Idem.

(5) If the two members appointed under subsection (2) or (3) fail to make such a nomination within

five days after the second of them was appointed, the Chairman shall forthwith appoint as the chairman of the conciliation board a person he deems fit for the purpose.

(6) The provisions of section 61 apply *mutatis mutandis* in relation to the qualification of persons to act as members of a conciliation board. Qualification of members.

(7) The members of a conciliation board are entitled to be paid such *per diem* or other allowances with respect to the performance of their duties under this Act as may be fixed by the Governor in Council. Allowances payable to members.

81. Where any vacancy occurs in the membership of a conciliation board before the board has reported its findings and recommendations to the Chairman, the vacancy shall be filled by the Chairman by appointment in the manner provided in section 80 for the selection of the person in respect of whom the vacancy arose. Vacancies.

82. (1) Forthwith upon the establishment of a conciliation board, the Chairman shall notify the parties of its establishment and of the names of its members. Notification of establishment of conciliation board.

(2) Upon the notification of the parties by the Chairman of the establishment of a conciliation board, it shall be conclusively presumed that the conciliation board described in the notice has been established in accordance with this Act, and no order shall be made or process entered, and no proceedings shall be taken in any court, to question the establishment of the conciliation board or to review, prohibit or restrain any of its proceedings. Effect of notification.

Terms of Reference.

83. Forthwith upon the establishment of a conciliation board, the Chairman shall deliver to the conciliation board a statement setting forth the matters on which the board shall report its findings and recommendations to the Chairman, and the Chairman may, either before or after the report to him of its findings and recommendations, amend such statement by adding thereto or deleting therefrom any matter he deems necessary or advisable in the interest of assisting the parties in reaching agreement. Terms of reference of conciliation board.

Procedure.

84. (1) A conciliation board shall, as soon as possible after the receipt by it of the statement referred to in section 83, endeavour to bring about agreement between the parties in relation to the matters set forth in the statement. Duties of conciliation board.

Rules of
procedure.

(2) Except as otherwise provided in this Act, a conciliation board may determine its own procedure, but shall give full opportunity to both parties to present evidence and make representations.

Sittings.

(3) The chairman of a conciliation board may, after consultation with the other members of the board, fix the times and places of its sittings and shall notify the parties of the times and places so fixed.

Quorum and
absence of
members.

(4) The chairman of a conciliation board and one other member constitute a quorum, but in the absence of a member at any sitting of the board the other members shall not proceed unless the absent member has been given reasonable notice of the sitting.

Decision.

(5) A decision of a majority of the members of a conciliation board on any matter referred to it is a decision of the board thereon.

Report of
proceedings.

(6) The chairman of a conciliation board shall forward to the Chairman a detailed statement signed by him of the sittings of the conciliation board and of the members and witnesses present at each sitting.

Powers of
conciliation
board.

85. A conciliation board has all the powers of the Board set out in paragraphs (a) to (e) of section 22 and, in addition, may authorize any person to exercise any of the powers of the conciliation board as set out in paragraphs (b) to (e) of section 22, and report to the conciliation board thereon.

Report.

Report to
Chairman.

86. (1) A conciliation board shall, within fourteen days after the receipt by it of the statement referred to in section 83 or within such longer period as may be agreed upon by the parties or determined by the Chairman, report its findings and recommendations to the Chairman.

Report not
to make
recommendations
requiring
legislative
implementa-
tion.

(2) Subsection (2) of section 56 applies, *mutatis mutandis*, in relation to a recommendation in a report of a conciliation board.

Matters not
to be dealt
with by
report.

(3) No report of a conciliation board shall contain any recommendation concerning the standards, procedures or processes governing the appointment, appraisal, promotion, demotion, transfer, lay-off or release of employees.

Reconsidera-
tion of
matters
contained in
report.

(4) After a conciliation board has reported to the Chairman its findings and recommendations on the matters set forth in the statement referred to in section 83, the Chairman may direct it to reconsider and clarify or amplify its report or any part thereof, or to consider and report on any matter added to such statement pursuant to that section, except that in any such case the report of the

conciliation board shall be deemed to have been received by the Chairman notwithstanding that the reconsidered report or the report on the added matter, as the case may be, has not been received by him.

87. On receipt of the report of a conciliation board, the Chairman shall forthwith cause a copy thereof to be sent to the parties and may cause the report to be published in such manner as he sees fit.

Copy of report to be sent to parties.

88. No report of a conciliation board, and no testimony or proceedings before a conciliation board, are receivable in evidence in any court in Canada except in the case of a prosecution for perjury.

Report as evidence.

89. Where at any time before a conciliation board has made its report the parties so agree in writing, a recommendation made by a conciliation board shall be binding on the parties, subject to and for the purposes of this Act, and shall be given effect to accordingly.

Binding effect where agreed by parties.

PART IV.

GRIEVANCES.

RIGHT TO PRESENT GRIEVANCES.

90. (1) Where any employee feels himself to be aggrieved

(a) by the interpretation or application in respect of him of

(i) a provision of a statute, or of a regulation, by-law, direction or other instrument made or issued by the employer, dealing with terms and conditions of employment, or

(ii) a provision of a collective agreement or an arbitral award; or

(b) as a result of any occurrence or matter affecting his terms and conditions of employment, other than a provision described in subparagraph (i) or (ii) of paragraph (a),

in respect of which no administrative procedure for redress is provided in or under an Act of Parliament, he is entitled, subject to subsection (2), to present the grievance at each of the levels, up to and including the final level, in the grievance process provided for by this Act.

Right of employee to present grievance.

(2) An employee is not entitled to present any grievance relating to the interpretation or application in respect of him of a provision of a collective agreement or an

Limitation.

arbitral award unless he has the approval of and is represented by the bargaining agent for the bargaining unit to which the collective agreement or arbitral award applies, or any grievance relating to any action taken pursuant to an instruction, direction or regulation given or made as described in section 112.

Right to be represented by employee organization.

(3) An employee who is not included in a bargaining unit for which an employee organization has been certified as bargaining agent may seek the assistance of and, if he chooses, may be represented by any employee organization in the presentation or reference to adjudication of a grievance.

Idem.

(4) No employee who is included in a bargaining unit for which an employee organization has been certified as bargaining agent may be represented by any employee organization, other than the employee organization certified as such bargaining agent, in the presentation or reference to adjudication of a grievance.

ADJUDICATION OF GRIEVANCES.

Reference to Adjudication.

Reference of grievance to adjudication.

91. (1) Where an employee has presented a grievance up to and including the final level in the grievance process with respect to

(a) the interpretation or application in respect of him of a provision of a collective agreement or an arbitral award, or

(b) disciplinary action resulting in discharge, suspension or a financial penalty,

and his grievance has not been dealt with to his satisfaction, he may refer the grievance to adjudication.

Approval of bargaining agent of reference to adjudication.

(2) Where a grievance that may be presented by an employee to adjudication is a grievance relating to the interpretation or application in respect of him of a provision of a collective agreement or an arbitral award, the employee is not entitled to refer the grievance to adjudication unless the bargaining agent for the bargaining unit to which the collective agreement or arbitral award applies signifies in prescribed manner

(a) its approval of the reference of the grievance to adjudication; and

(b) its willingness to represent the employee in the adjudication proceedings.

Appointment of Adjudicators.

Appointment of adjudicators.

92. (1) The Governor in Council, on the recommendation of the Board, shall appoint such officers, to be

called adjudicators, as may be required to hear and adjudicate upon grievances referred to adjudication under this Act.

(2) The Governor in Council, on the recommendation of the Board, shall designate one of the adjudicators appointed under this section to be chief adjudicator to administer, subject to any regulations of the Board, the system of grievance adjudication established under this Act.

Chief
adjudicator.

(3) An adjudicator shall be appointed for such period, not exceeding five years, as may be determined by the Governor in Council but may be removed by the Governor in Council at any time on the unanimous recommendation of the Board.

Term of
appointment.

(4) A retiring adjudicator may be re-appointed but every adjudicator shall cease to hold office upon attaining the age of seventy years.

Re-
appointment.

(5) An adjudicator appointed under this section shall be paid such salary or other remuneration as may be fixed by the Governor in Council.

Remunera-
tion of
adjudicators.

(6) Section 61 applies, *mutatis mutandis*, in relation to the eligibility of a person to hold office or act as an adjudicator, to be nominated or act as a member of a board of adjudication or to be named as an adjudicator in a collective agreement, in respect of any grievance referred to adjudication.

Qualifications
of
adjudicators.

Establishment of a Board of Adjudication.

93. Where a grievance is referred to a board of adjudication, the board shall be composed of three members, namely:

Composition
of board of
adjudication.

- (a) an adjudicator, who shall be the chairman;
- (b) one member nominated by one party; and
- (c) one member nominated by the other party;

but no person is eligible to be a member of a board of adjudication so established if he has any direct interest in or in connection with the grievance, its handling or its disposition.

Duty of Chief Adjudicator.

94. (1) Where a grievance has been referred to adjudication, the aggrieved employee shall, in the manner prescribed, notify the chief adjudicator and the employer and shall specify in the notice whether an adjudicator is named in any applicable collective agreement or, if no such adjudicator is named, whether he requests the establishment of a board of adjudication in lieu of an adjudicator selected by the chief adjudicator.

Notice to
specify
whether
named
adjudicator,
etc.

(2) Where a grievance has been referred to adjudication and the aggrieved employee has notified the chief adjudicator and the employer as required by subsection (1),

Action to be
taken by
chief
adjudicator.

the chief adjudicator shall, in the manner and within the time prescribed,

- (a) where the grievance is one arising out of a collective agreement and an adjudicator is named therein, refer the matter to the adjudicator so named;
- (b) where the establishment of a board of adjudication has been requested by the aggrieved employee and no objection thereto has been made by the employer within such time as may be prescribed, establish such a board and refer the matter to it; and
- (c) in any other case, refer the matter to an adjudicator selected by him.

Jurisdiction of Adjudicator.

Compliance with procedures in grievance process.

95. (1) Subject to any regulation made by the Board under paragraph (d) of subsection (1) of section 99, no grievance shall be referred to adjudication and no adjudicator shall hear or render a decision on a grievance until all procedures established for the presenting of the grievance up to and including the final level in the grievance process have been complied with.

No decision requiring amendment of agreement or award.

(2) No adjudicator shall, in respect of any grievance, render any decision thereon the effect of which would be to require the amendment of a collective agreement or an arbitral award.

Binding effect of decision at final level in grievance process.

(3) Where

- (a) a grievance has been presented up to and including the final level in the grievance process, and
- (b) the grievance is not one that under section 91 may be referred to adjudication,

the decision on the grievance taken at the final level in the grievance process is final and binding for all purposes of this Act and no further action under this Act may be taken thereon.

Decision of Adjudicator.

Hearing of grievance.

96. (1) Where a grievance is referred to adjudication, the adjudicator shall give both parties to the grievance an opportunity of being heard.

Decision on grievance.

(2) After considering the grievance, the adjudicator shall render a decision thereon and

- (a) send a copy thereof to each party and his or its representative, and to the bargaining agent,

if any, for the bargaining unit to which the employee whose grievance it is belongs; and

- (b) deposit a copy of the decision with the Secretary of the Board.

(3) In the case of a board of adjudication, a decision of the majority of the members on a grievance is a decision of the board thereon, and the decision shall be signed by the chairman of the board.

Decision of board of adjudication.

(4) Where a decision on any grievance referred to adjudication requires any action by or on the part of the employer, the employer shall take such action.

Implementation of decision by employer.

(5) Where a decision on any grievance requires any action by or on the part of an employee or a bargaining agent or both of them, the employee or bargaining agent, or both, as the case may be, shall take such action.

Action to be taken by employee or bargaining agent.

(6) The Board may, in accordance with section 20, take such action as is contemplated by that section to give effect to the decision of an adjudicator on a grievance but shall not inquire into the basis or substance of the decision.

Powers of Board with respect to decision on grievance.

Expenses of Adjudication.

97. (1) Where an adjudicator is named in a collective agreement, the method of determining his remuneration and of defraying such expenses as he may incur shall be as established in the collective agreement naming the adjudicator, but if the agreement does not specify such method, the named adjudicator's remuneration and his expenses shall be borne equally by the parties.

Where adjudicator named in collective agreement.

(2) Where a grievance is referred to adjudication but is not referred to an adjudicator named in a collective agreement, and the employee whose grievance it is, is represented in the adjudication proceedings by the bargaining agent for the bargaining unit to which the employee belongs, the bargaining agent is liable to pay and shall remit to the Board such part of the costs of the adjudication as may be determined by the Secretary of the Board with the approval of the Board, except that where the grievance is referred to a board of adjudication, the remuneration and expenses of the nominee of each party shall be borne by each respectively.

Where no adjudicator named in agreement.

(3) Any amount that by subsection (2) is payable to the Board by a bargaining agent may be recovered as a debt due to the Crown by the bargaining agent which shall, for the purposes of this subsection, be deemed to be a person.

Recovery.

*Enforcement of Obligations of Employer and
Employee Organizations.*

Reference by
employer or
bargaining
agent to
chief
adjudicator.

98. (1) Where the employer and a bargaining agent have executed a collective agreement or are bound by an arbitral award and

(a) the employer or the bargaining agent seeks to enforce an obligation that is alleged to arise out of the collective agreement or arbitral award, and

(b) the obligation, if any, is not an obligation the enforcement of which may be the subject of a grievance of an employee in the bargaining unit to which the collective agreement or arbitral award applies,

either the employer or the bargaining agent may, in prescribed manner, refer the matter to the chief adjudicator who shall personally hear and determine whether there is an obligation as alleged and whether, if there is, there has been a failure to observe or to carry out the obligation.

Hearing and
determination
of reference.

(2) The chief adjudicator shall hear and determine the matter so referred to him as though it were a grievance, and subsection (2) of section 95 and sections 96 and 97 apply to its hearing and determination.

REGULATIONS RESPECTING GRIEVANCES.

Regulations
re procedures
for presenta-
tion of
grievances.

99. (1) The Board may make regulations in relation to the procedure for the presenting of grievances, including regulations respecting

(a) the manner and form of presenting a grievance;

(b) the maximum number of levels of officers of the employer to whom grievances may be presented;

(c) the time within which a grievance may be presented up to any level in the grievance process including the final level;

(d) the circumstances in which any level below the final level in the grievance process may be eliminated; and

(e) in any case of doubt, the circumstances in which any occurrence or matter may be said to constitute a grievance.

Application
of regula-
tions.

(2) Any regulations made by the Board under subsection (1) in relation to the procedure for the presentation of grievances shall not apply in respect of employees included in a bargaining unit for which a bargaining agent has been certified by the Board, to the extent that such regulations are inconsistent with any provisions contained

in a collective agreement entered into by the bargaining agent and the employer applicable to those employees.

(3) The Board may make regulations in relation to the adjudication of grievances, including regulations respecting

Regulations re adjudication of grievances.

- (a) the manner in which and the time within which a grievance may be referred to adjudication after it has been presented up to and including the final level in the grievance process, and the manner in which and the time within which a grievance referred to adjudication shall be referred by the chief adjudicator to an adjudicator;
- (b) the manner in which and the time within which boards of adjudication are to be established;
- (c) the procedure to be followed by adjudicators; and
- (d) the form of decisions rendered by adjudicators.

(4) For the purposes of any provision of this Act respecting grievances, the employer shall designate the person whose decision on a grievance constitutes the final or any level in the grievance process and the employer shall, in any case of doubt, by notice in writing advise any person wishing to present a grievance, or the chief adjudicator, of the person whose decision thereon constitutes the final or any level in such process.

Employer to designate persons at final or any level in grievance process.

PART V.

GENERAL.

REVIEW OF ORDERS.

100. (1) Except as provided in this Act, every order, award, direction, decision, declaration or ruling of the Board, the Arbitration Tribunal or an adjudicator is final and shall not be questioned or reviewed in any court.

Orders not subject to review by court.

(2) No order shall be made or process entered, and no proceedings shall be taken in any court, whether by way of injunction, *certiorari*, prohibition, *quo warranto* or otherwise, to question, review, prohibit or restrain the Board, the Arbitration Tribunal or an adjudicator in any of its or his proceedings.

No review by injunction, etc.

RIGHTS AND PROHIBITIONS RELATING TO STRIKES.

101. (1) No employee shall participate in a strike

(a) who is not included in a bargaining unit for which a bargaining agent has been certified by the Board,

Participation by employee in strike.

Idem.

- (b) who is included in a bargaining unit for which the process for resolution of a dispute is by the referral thereof to arbitration, or
 - (c) who is a designated employee.
- (2) No employee who is not an employee described in subsection (1) shall participate in a strike
- (a) where a collective agreement applying to the bargaining unit in which he is included is in force, or
 - (b) where no collective agreement applying to the bargaining unit in which he is included is in force, unless
 - (i) a conciliation board for the investigation and conciliation of a dispute in respect of that bargaining unit has been established and seven days have elapsed from the receipt by the Chairman of the report of the conciliation board, or
 - (ii) a request for the establishment of a conciliation board for the investigation and conciliation of a dispute in respect of that bargaining unit has been made in accordance with this Act and the Chairman has notified the parties pursuant to section 78 of his intention not to establish such a board.

Declaration or authorization of strike.

102. No employee organization shall declare or authorize a strike of employees, and no officer or representative of an employee organization shall counsel or procure the declaration or authorization of a strike of employees or the participation of employees in a strike, the effect of which is or would be to involve the participation of an employee in a strike in contravention of section 101.

Application for declaration of strike as unlawful.

103. (1) Where it is alleged by the employer that an employee organization has declared or authorized a strike of employees, the effect of which is or would be to involve the participation of an employee in a strike in contravention of section 101, the employer may apply to the Board, for a declaration that the strike is or would be unlawful and the Board, after affording an opportunity to the employee organization to be heard on the application, may make such a declaration.

Application for declaration of strike as lawful.

(2) Where it is alleged by a bargaining agent for a bargaining unit that the participation of employees included in the bargaining unit in a strike authorized or declared, or proposed to be authorized or declared, by the bargaining agent is not or would not be in contravention of section 101, the bargaining agent may apply to the Board for

a declaration that the strike is or would be lawful and the Board, after affording an opportunity to the employer to be heard on the application, may make such a declaration.

104. (1) Every employee who contravenes section 101 is guilty of an offence and liable on summary conviction to a fine not exceeding \$100. Offences and punishment.

(2) Every officer or representative of an employee organization who contravenes section 102 is guilty of an offence and liable on summary conviction to a fine not exceeding \$300. Idem.

(3) Every employee organization that contravenes section 102 is guilty of an offence and liable on summary conviction to a fine not exceeding \$150 for each day that any strike declared or authorized by it in contravention of that section is or continues in effect. Idem.

105. A prosecution for an offence under section 104 may be brought against an employee organization and in the name of that organization, and for the purposes of any such prosecution an employee organization shall be deemed to be a person, and any act or thing done or omitted by an officer or representative of an employee organization within the scope of his authority to act on behalf of the employee organization shall be deemed to be an act or thing done or omitted by the employee organization. Prosecution of employee organization.

CONSENT TO PROSECUTION.

106. No prosecution arising out of an alleged failure by any person to observe any prohibition contained in section 8, 9 or 10 and no prosecution for an offence under section 104 shall be instituted except with the consent of the Board. Consent.

PROTECTION OF MEMBERS AND STAFF.

107. No member of the Board, of the Arbitration Tribunal or of a conciliation board and no adjudicator, conciliator or officer or employee of or person appointed by the Board shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act. Evidence respecting information obtained under Act.

WITNESS FEES.

108. A person who is summoned by the Board, the Arbitration Tribunal or a conciliation board to attend as a witness in any proceedings thereof taken pursuant to this Act and who so attends is entitled to be paid an allowance for Payment of witness fees.

expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior court of the province in which such proceedings are being taken.

OATHS AND AFFIRMATIONS.

Oath or affirmation to be taken.

109. A person appointed under this Act shall, before entering upon his duties, take an oath or affirmation in the form prescribed in Schedule D before any person authorized by the Governor in Council to take such oath or affirmation.

PROVISION OF FACILITIES AND STAFF.

Facilities and staff.

110. The Board shall provide the Arbitration Tribunal, a conciliation board and an adjudicator with quarters and staff and such other facilities as are necessary to enable it or him to carry out its or his functions under this Act.

SUPERANNUATION.

Application of *Public Service Superannuation Act*.

111. Unless the Governor in Council otherwise orders in any case or class of cases, a person appointed under this Act shall be deemed not to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*.

SAVING PROVISION.

Limitation respecting matters involving safety or security of Canada.

112. (1) Nothing in this or any other Act shall be construed to require the employer to do or refrain from doing anything contrary to any instruction, direction or regulation given or made by or on behalf of the Government of Canada in the interest of the safety or security of Canada or any state allied or associated with Canada.

Order to be conclusive proof.

(2) For the purposes of subsection (1), any order made by the Governor in Council is conclusive proof of the matters stated therein in relation to the giving or making of any instruction, direction or regulation by or on behalf of the Government of Canada in the interest of the safety or security of Canada or any state allied or associated with Canada.

INDUSTRIAL RELATIONS AND DISPUTES INVESTIGATION ACT.

Exclusion of corporations from Part I of *Industrial Relations and Disputes Investigation Act*.

113. (1) Notwithstanding anything in section 54 of the *Industrial Relations and Disputes Investigation Act*, the Governor in Council may exclude from the provisions of Part I of that Act only those corporations in respect of which a Minister of the Crown, the Treasury Board or the Governor

in Council is authorized to establish or to approve some or all of the terms and conditions of employment of persons employed therein.

(2) Where the Governor in Council excludes any corporation from the provisions of Part I of the *Industrial Relations and Disputes Investigation Act*, he shall, by order, add the name of that corporation to Part I or Part II of Schedule A. Idem.

FINANCIAL.

114. All expenditures required for the purposes of this Act shall, unless otherwise specifically provided for, be paid out of money appropriated by Parliament therefor. Expenditures.

REPORT TO PARLIAMENT.

115. As soon as possible after the end of each year, the Board shall prepare and submit to such Minister of the Crown, other than a member of the Treasury Board, as may be designated by the Governor in Council a report on the administration of this Act during that year and that Minister shall lay the Board's report before Parliament within fifteen days after receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. Annual
report to
Parliament.

COMING INTO FORCE.

116. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into
force.

SCHEDULE A.

PART I.

Departments and other portions of the public service of Canada in respect of which Her Majesty as represented by the Treasury Board is the employer.

Departments named in Schedule A to the *Financial Administration Act*.

Agricultural Stabilization Board
 Air Transport Board
 Atlantic Development Board
 Board of Broadcast Governors
 Board of Grain Commissioners
 Board of Transport Commissioners
 Canadian Government Elevators
 Canadian Maritime Commission
 Canadian Penitentiary Service
 Canadian Pension Commission
 Director of Soldier Settlement
 Director of Veterans' Land Act
 Dominion Bureau of Statistics
 Dominion Coal Board
 Emergency Measures Organization
 External Aid Office
 Feed Grain Administration
 Fisheries Prices Support Board
 Government Printing Bureau
 International Joint Commission (Canadian Section)
 Maritimes Marshland Rehabilitation Administration
 Municipal Development and Loan Board
 National Capital Commission
 National Energy Board
 National Gallery of Canada
 National Library
 National Parole Board
 Office of the Auditor General
 Office of the Chief Electoral Officer
 Office of the Comptroller of the Treasury
 Office of the Governor-General's Secretary
 Office of the Representation Commissioner
 Office of the Superintendent of Bankruptcy
 Prairie Farm Assistance Administration
 Prairie Farm Rehabilitation Administration
 Privy Council Office
 Public Archives
 Public Service Commission
 Public Service Staff Relations Board
 Restrictive Trade Practices Commission
 Royal Canadian Mint
 Royal Canadian Mounted Police
 Staff of the Exchequer Court
 Staff of the Supreme Court
 Statute Revision Commission

SCHEDULE A—Concluded

Tariff Board
Tax Appeal Board
Unemployment Insurance Commission
War Veterans Allowance Board

PART II.

Portions of the public service of Canada that are separate employers.

Atomic Energy Control Board
Centennial Commission
Defence Research Board
Economic Council of Canada
Fisheries Research Board
National Film Board
National Research Council
Northern Canada Power Commission

SCHEDULE B.

Initial Certification Period.

Category	Column I Day after which notice to bargain collectively may be given	Column II Day after which collective agreement may be entered into or arbitral award rendered	Column III Day on which collective agreement or arbitral award ceases to be in effect
Operational	Feb. 28, 1967	Mar. 31, 1967	Sept. 30, 1968
Scientific and Professional	Oct. 31, 1967	Dec. 31, 1967	June 30, 1969
Technical	Oct. 31, 1967	Dec. 31, 1967	June 30, 1969
Administrative and Foreign Service	Jan. 31, 1968	Mar. 31, 1968	Sept. 30, 1969
Administrative Support	Jan. 31, 1968	Mar. 31, 1968	Sept. 30, 1969

SCHEDULE C.

(Section 56).

Government Employees Compensation Act
Government Vessels Discipline Act
Public Service Employment Act
Public Service Superannuation Act

SCHEDULE D.

Oath or Affirmation of Fidelity.

I,, solemnly and sincerely swear (or affirm) that I will faithfully and honestly and to the best of my skill and knowledge fulfil the duties which devolve upon me under the *Public Service Staff Relations Act* by reason of my duties as.....
.....

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 73

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 1st March, 1967.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 1, 1967*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole twenty-one million dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966, to the 31st day of March, 1967, not otherwise provided for, and being the amount of the item set forth in the Schedule to this Act. \$21,000,000 granted for 1966-67.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application Purpose and effect of item.

of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of the item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account
to be
rendered.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE.

Based on the Supplementary Estimates (E), 1966-67. The amount hereby granted is \$21,000,000, being the amount of the item in the Estimates as contained in this Schedule.

SUM granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purpose for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	FINANCE		
L39e	To provide for the purchase, acquisition and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to sub-section 1 of section 12 of the <i>Canadian Corporation for the 1967 World Exhibition Act</i> and to subsequently dispose thereof		21,000,000

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 74

An Act to amend the Financial Administration Act.

[Assented to 1st March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 116;
1955, c. 3;
1958, c. 31;
1960, c. 41;
1960-61, c. 48;
1963, cc. 3, 41.

1. Subsections (1) and (2) of section 5 of the *Financial Administration Act* are repealed and the following substituted therefor:

"5. (1) The Treasury Board may act for the Queen's Privy Council for Canada on all matters relating to

Responsi-
bilities of
Treasury
Board.

- (a) general administrative policy in the public service;
- (b) the organization of the public service or any portion thereof, and the determination and control of establishments therein;
- (c) financial management, including estimates, expenditures, financial commitments, accounts, charges for services, rentals, licences, leases, revenues from the disposition of property, and procedures by which departments manage, record and account for revenues received or receivable from any source whatever;
- (d) the review of annual and longer term expenditure plans and programs of the various departments of Government, and the determination of priorities with respect thereto;
- (e) personnel management in the public service, including the determination of terms and conditions of employment of persons employed therein; and

Authority
under other
Acts.

- (f) such other matters as may be referred to it by the Governor in Council.
- (2) The Treasury Board is authorized to exercise the powers, other than powers of appointment, of the Governor in Council under
- (a) the *Public Service Superannuation Act*;
 - (b) the *Canadian Forces Superannuation Act*;
 - (c) the *Defence Services Pension Continuation Act*;
 - (d) Parts I and II of the *Royal Canadian Mounted Police Superannuation Act*;
 - (e) Parts II, III and IV of the *Royal Canadian Mounted Police Pension Continuation Act*; and
 - (f) such of the provisions of any other Act respecting any matter in relation to which the Treasury Board may act for the Queen's Privy Council for Canada pursuant to subsection (1) as may be specified by the Governor in Council."

2. Section 6 of the said Act is renumbered as subsection (5) of section 5, and the said Act is further amended by adding thereto the following section immediately after section 5:

Regulations.

"**6.** Subject to any other Act, the Treasury Board may make regulations

- (a) for the purpose of ensuring effective coordination of administrative functions and services among and within departments;
- (b) for the establishment of general administrative standards of performance and respecting the assessment of the performance of portions of the public service in the light of such standards;
- (c) respecting the collection, management and administration of, and the accounting for, public money;
- (d) respecting the keeping of records of property of Her Majesty; and
- (e) for any other purpose necessary for the efficient administration of the public service."

3. Section 7 of the said Act is repealed and the following substituted therefor:

Powers and
functions of
Treasury
Board in
relation to
personnel
management.

"**7.** (1) Subject to the provisions of any enactment respecting the powers and functions of a separate employer but notwithstanding any other provision contained in any enactment, the Treasury Board may, in the exercise of its responsibilities in relation to personnel management including its responsibilities in relation to employer and employee relations in the

public service, and without limiting the generality of sections 5 and 6,

- (a) determine the manpower requirements of the public service and provide for the allocation and effective utilization of manpower resources within the public service;
- (b) determine requirements for the training and development of personnel in the public service and fix the terms on which such training and development may be carried out;
- (c) provide for the classification of positions and employees in the public service;
- (d) determine and regulate the pay to which persons employed in the public service are entitled for services rendered, the hours of work and leave of such persons and any matters related thereto;
- (e) provide for the awards that may be made to persons employed in the public service for outstanding performance of their duties, for other meritorious achievement in relation to those duties and for inventions or practical suggestions for improvements;
- (f) establish standards of discipline in the public service and prescribe the financial and other penalties, including suspension and discharge, that may be applied for breaches of discipline or misconduct, and the circumstances and manner in which and the authority by which or whom those penalties may be applied or may be varied or rescinded in whole or in part;
- (g) establish and provide for the application of standards governing physical working conditions of, and for the health and safety of, persons employed in the public service;
- (h) determine and regulate the payments that may be made to persons employed in the public service by way of reimbursement for travelling or other expenses and by way of allowances in respect of expenses and conditions arising out of their employment; and
- (i) provide for such other matters, including terms and conditions of employment not otherwise specifically provided for in this subsection, as the Treasury Board considers necessary for effective personnel management in the public service.

Authoriza-
tion of
deputy head,
etc. to
exercise
powers and
functions of
Board.

(2) The Treasury Board may authorize the deputy head of a department or the chief executive officer of any portion of the public service to exercise and perform, in such manner and subject to such terms and conditions as the Treasury Board directs, any of the powers and functions of the Treasury Board in relation to personnel management in the public service and may, from time to time as it sees fit, revise or rescind and reinstate the authority so granted.

Authoriza-
tion to
exercise
powers and
functions of
Board re
separate
employers.

(3) The Governor in Council may, in respect of any portion of the public service that is a separate employer, authorize the responsible Minister of the Crown, his deputy or the chief executive officer thereof to exercise and perform, in such manner and subject to such terms and conditions as the Governor in Council directs, any of the powers and functions of the Governor in Council or the Treasury Board in relation to personnel management in that portion of the public service and may, from time to time as he sees fit, revise or rescind and reinstate the authority so granted.

Delegation
of
authoriza-
tion.

(4) Any person authorized pursuant to subsection (2) or (3) to exercise and perform any of the powers and functions of the Governor in Council or the Treasury Board may, subject to and in accordance with the authorization given to him, authorize one or more persons under his jurisdiction to exercise or perform any such power or function.

Reference
to *Civil
Service Act*
and other
Acts.

(5) Where in any enactment there is a reference to the *Civil Service Act* or to any other Act in relation to any matter that may be determined, fixed, provided for, regulated or established under subsection (1), the reference shall, except as regards any transaction, matter or thing anterior to the time of the coming into force of this section, be construed as a reference to this Act.

Limitation
in powers
and functions
of Board in
relation to
matters
expressly
determined.

(6) The powers and functions of the Treasury Board in relation to any of the matters specified in subsection (1) do not extend to any such matter that is expressly determined, fixed, provided for, regulated or established by any Act otherwise than by the conferring of powers or functions in relation thereto on any authority or person specified in such Act, and do not include or extend to any power or function specifically conferred on, or any process of personnel selection required or authorized to be employed by, the Public Service Commission by or under the authority of the *Public Service Employment Act*.

Right or
power of
Governor in
Council not
affected.

(7) Nothing in this or any other Act shall be construed to limit or affect the right or power of the

Governor in Council, in the interest of the safety or security of Canada or any state allied or associated with Canada, to suspend any person employed in the public service or, after an inquiry conducted in accordance with regulations of the Governor in Council by a person appointed by the Governor in Council at which the person concerned has been given an opportunity of being heard, to dismiss any such person.

(8) For the purposes of subsection (7), any order made by the Governor in Council is conclusive proof of the matters stated therein in relation to the suspension or dismissal of any person in the interest of the safety or security of Canada or any state allied or associated with Canada.

Order to be conclusive proof.

(9) In this section,

- (a) "enactment" includes a regulation, order or other instrument made under the authority of an Act;
- (b) "public service" has the meaning given the expression "Public Service" in the *Public Service Staff Relations Act*, and includes any portion of the public service of Canada designated by the Governor in Council as part of the public service for the purposes of this section; and
- (c) "separate employer" means a separate employer within the meaning of the *Public Service Staff Relations Act*."

Definition of certain expressions.

4. Section 9 of the said Act is repealed and the following substituted therefor:

"**9.** The Minister has the management and direction of the Department of Finance, the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to the Treasury Board or to any other Minister."

Management.

5. Section 15 of the said Act is repealed and the following substituted therefor:

"**15.** On the request of the appropriate Minister and with the approval of the Treasury Board, the Comptroller may

Accounting services.

- (a) provide accounting and other services in connection with financial management for a department, and
- (b) examine the collecting and accounting practices applied in a department, and report thereon to the appropriate Minister."

1958, c 31,
s. 2(1).

6. (1) Subsection (1) of section 28 of the said Act is repealed and the following substituted therefor:

Payments
urgently
required.

“28. (1) Where a payment is urgently required for the public good when Parliament is not in session and there is no other appropriation pursuant to which the payment may be made, the Governor in Council, upon the report of the President of the Treasury Board that there is no appropriation for the payment and the report of the appropriate Minister that the payment is urgently required for the public good, may by order direct the preparation of a special warrant to be signed by the Governor General authorizing the payment to be made out of the Consolidated Revenue Fund.”

(2) Subsection (3) of section 28 of the said Act is repealed and the following substituted therefor:

Publication
and report
to House of
Commons.

“(3) Every warrant issued under this section shall be published in the *Canada Gazette* within thirty days after it is issued, and a statement showing all warrants issued under this section and the amounts thereof shall be laid by the President of the Treasury Board before the House of Commons within fifteen days after the commencement of the next ensuing session of Parliament.”

7. Subsection (6) of section 31 of the said Act is repealed and the following substituted therefor:

Expenses of
Parliament.

“(6) Whenever the Comptroller is of the opinion that a doubt exists as to the legality or otherwise of a proposed charge to an appropriation provided for the expenses of the Senate, the House of Commons or the Library of Parliament, he shall forthwith, through the President of the Treasury Board, draw the matter to the attention of the appropriate Minister who shall obtain a decision in accordance with such procedure as may from time to time be prescribed by the Senate or the House of Commons as the case may be or, in the case of the Library of Parliament, by the Senate and the House of Commons, and the Comptroller shall act in accordance with the decision.”

8. Subsection (3) of section 46 of the said Act is repealed.

9. Section 61 of the said Act is repealed and the following substituted therefor:

“61. The Comptroller may examine records, accounts and procedures respecting stores and materials and report thereon to the President of the Treasury Board or the appropriate Minister.” Records.

10. (1) All that portion of subsection (1) of section 63 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“63. (1) Subject to regulations of the Treasury Board, the Minister shall cause accounts to be kept in such a manner as to show,” Accounts of Canada.

(2) All that portion of subsection (2) of section 63 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(2) The Minister”

Assets and
Liabilities.

11. Section 71 of the said Act is repealed and the following substituted therefor:

“71. The Auditor General shall, whenever the Governor in Council or the Treasury Board directs, inquire into and report on any matter relating to the financial affairs of Canada or to public property and on any person or organization that has received financial aid from the Government of Canada or in respect of which financial aid from the Government of Canada is sought.” Inquiry
and report.

12. Section 72 of the said Act is repealed.

13. Section 73 of the said Act is repealed and the following substituted therefor:

“73. Whenever it appears to the Auditor General that any public money has been improperly retained by any person, he shall forthwith report the circumstances of such cases to the President of the Treasury Board.” Improper
retention of
public money.

14. Section 80 of the said Act is repealed and the following substituted therefor:

“80. (1) Each agency corporation shall annually submit to the appropriate Minister an operating budget for the next following financial year of the corporation for the approval of the appropriate Minister and the President of the Treasury Board. Budgets.

Idem.

(2) For each corporation the appropriate Minister shall annually lay before Parliament the capital budget for its financial year approved by the Governor in Council on the recommendation of the appropriate Minister, the President of the Treasury Board and the Minister of Finance.

Form.

(3) The Treasury Board, on the joint recommendation of the President of the Treasury Board and the appropriate Minister, may by regulation prescribe the form in which budgets required by this section shall be prepared."

15. Section 84 of the said Act is repealed and the following substituted therefor:

Reserves.

"**84.** Subject to any order or direction of the Treasury Board, a corporation may make provision for reserves for depreciation of assets, for uncollectable accounts and for other purposes."

16. Subsection (2) of section 85 of the said Act is repealed and the following substituted therefor:

Statement
of accounts.

"(2) Subject to such directions as to form as the Treasury Board may give, a corporation shall prepare in respect of each financial year statements of accounts which shall include

- (a) a balance sheet, a statement of income and expense and a statement of surplus, containing such information as, in the case of a company incorporated under the *Canada Corporations Act*, is required to be laid before the company by the directors at an annual meeting, and
- (b) such other information in respect of the financial affairs of the corporation as the appropriate Minister, the Treasury Board or the Minister of Finance may require."

17. The said Act is further amended by adding thereto, immediately after section 97 thereof, the following section:

Proof of
Treasury
Board
records.

"**97A.** A document purporting to be a copy of an entry in the records of the Treasury Board certified by the Secretary or an Assistant Secretary of the Treasury Board is, without proof of the signature or of the official character of the person purporting to have signed it, admissible in any court of justice

and has the same probative force as the original document would have if it were proven in the ordinary way."

18. This Act, or any of the provisions thereof, shall come into force on a day or days to be fixed by proclamation of the Governor in Council. ^{Coming into force.}

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 75

An Act to implement agreements for the avoidance of double taxation with respect to income tax between Canada and Trinidad and Tobago, Canada and Ireland, Canada and Norway and Canada and the United Kingdom, and to implement a supplementary income tax convention between Canada and the United States of America.

[Assented to 1st March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

CANADA - TRINIDAD AND TOBAGO INCOME TAX AGREEMENT.

1. This Part may be cited as the *Canada - Trinidad and Tobago Income Tax Agreement Act, 1967*. Short title of Part I.

2. (1) The Agreement entered into between the Government of Canada and the Government of Trinidad and Tobago, set out in Schedule I, is approved and declared to have the force of law in Canada, during such period as, by its terms, the Agreement is in force. Agreement approved.

(2) In the event of any inconsistency between the provisions of this Part, or the Agreement, and the operation of any other law, the provisions of this Part and the Agreement prevail to the extent of the inconsistency. Inconsistent laws.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof. Orders and regulations.

Promul-
gation of
dates.

3. Notice of the day the Agreement comes into force and of the day the Agreement ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

PART II.

CANADA - IRELAND INCOME TAX AGREEMENT.

Short title
of Part II.

4. This Part may be cited as the *Canada-Ireland Income Tax Agreement Act, 1967*.

Agreement
approved.

5. (1) The Agreement entered into between the Government of Canada and the Government of Ireland, set out in Schedule II, is approved and declared to have the force of law in Canada during such period as, by its terms, the Agreement is in force.

Inconsistent
laws.

(2) In the event of any inconsistency between the provisions of this Part, or the Agreement, and the operation of any other law, the provisions of this Part and the Agreement prevail to the extent of the inconsistency.

Orders and
regulations.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.

Promulgation
of dates.

6. Notice of the day the Agreement comes into force and of the day the Agreement ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

PART III.

CANADA - NORWAY INCOME TAX CONVENTION.

Short title
of Part III.

7. This Part may be cited as the *Canada - Norway Income Tax Convention Act, 1967*.

Convention
approved.

8. (1) The Convention entered into between the Government of Canada and the Government of the Kingdom of Norway, set out in Schedule III, is approved and declared to have the force of law in Canada during such period as, by its terms, the Convention is in force.

Inconsistent
laws.

(2) In the event of any inconsistency between the provisions of this Part, or the Convention, and the operation of any other law, the provisions of this Part and the Convention prevail to the extent of the inconsistency.

Orders and
regulations.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Convention or for giving effect to any of the provisions thereof.

9. Notice of the day the Convention comes into force and of the day the Convention ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

Promulgation
of dates.

PART IV.

CANADA - UNITED KINGDOM INCOME TAX AGREEMENT.

10. This Part may be cited as the *Canada-United Kingdom Income Tax Agreement Act, 1967*.

Short title
of Part IV.

11. (1) The Agreement entered into between the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland, set out in Schedule IV, is approved and declared to have the force of law in Canada during such period as, by its terms, the Agreement is in force.

Agreement
approved.

(2) In the event of any inconsistency between the provisions of this Part, or the Agreement, and the operation of any other law, the provisions of this Part and the Agreement prevail to the extent of the inconsistency.

Inconsistent
laws.

(3) The Minister of National Revenue may make such orders and regulations as are necessary for the purpose of carrying out the Agreement or for giving effect to any of the provisions thereof.

Orders and
regulations.

12. Notice of the day the Agreement comes into force and of the day the Agreement ceases to be effective shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

Promulgation
of dates.

PART V.

SUPPLEMENTARY INCOME TAX CONVENTION BETWEEN CANADA AND THE UNITED STATES.

13. The Supplementary Convention entered into between the Government of Canada and the Government of the United States of America, set out in Schedule V, is approved and declared to have the force of law in Canada during such period as the Convention and Protocol set out in the Schedule to the *Canada—United States of America Tax Convention Act, 1943*, continue in force.

Supple-
mentary
Convention
approved.

14. Notice of the day the Supplementary Convention comes into force shall be given by proclamation of the Governor in Council published in the *Canada Gazette*.

Promulgation
of date.

SCHEDULE I.

AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF TRINIDAD AND TOBAGO WITH RESPECT TO TAXES ON INCOME, FOR THE AVOIDANCE OF DOUBLE TAXATION, THE PREVENTION OF FISCAL EVASION, AND THE ENCOURAGEMENT OF INTERNATIONAL TRADE AND INVESTMENT.

The Government of Canada and the Government of Trinidad and Tobago desiring to conclude an Agreement with respect to taxes on income, for the avoidance of double taxation, the prevention of fiscal evasion, and the encouragement of international trade and investment have agreed as follows:

ARTICLE I.

(1) The taxes which are the subject of this Agreement are—

(a) in Trinidad and Tobago:

the corporation tax and the income tax which are imposed by the Government of Trinidad and Tobago;

(b) in Canada:

the income taxes, including the old age security tax on income, which are imposed by the Government of Canada.

(2) This Agreement shall also apply to any identical or substantially similar taxes which are imposed after the date of signature of this Agreement in addition to, or in place of, the existing taxes by either Government.

ARTICLE II.

(1) In this Agreement unless the context otherwise requires:

(a) the term "Trinidad and Tobago" means the country of Trinidad and Tobago and the territorial waters thereof and when used in a geographical sense means the island of Trinidad and the island of Tobago and their dependencies;

(b) the terms "one of the Contracting States" and "the other Contracting State" mean Trinidad and Tobago or Canada as the context requires;

(c) the term "person" includes individuals, companies and all other entities which are treated as taxable units under the taxation laws in force in either Contracting State;

(d) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;

- (e) the terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of one of the Contracting States and an enterprise carried on by a resident of the other Contracting State; the terms "Trinidad and Tobago enterprise" and "Canadian enterprise" mean respectively an enterprise carried on by a resident of Trinidad and Tobago and an enterprise carried on by a resident of Canada;
- (f) the term "national" means all individuals possessing the nationality of one of the Contracting States and all legal persons, partnerships and associations deriving their status as such from the law in force in that Contracting State;
- (g) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country;
- (h) the term "taxation authorities" means in the case of Trinidad and Tobago the Minister of Finance or his authorized representative and in the case of Canada the Minister of National Revenue or his authorized representative;
- (i) the term "Trinidad and Tobago tax" means tax imposed by Trinidad and Tobago being tax to which this Agreement applies by virtue of Article I; the term "Canadian tax" means tax imposed by Canada being tax to which this Agreement applies by virtue of Article I.

(2) In the application of this Agreement by one of the Contracting States any term which is not defined in this Agreement shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of this Agreement.

ARTICLE III.

(1) For the purposes of this Agreement the terms "resident of Trinidad and Tobago" and "resident of Canada" mean respectively any person who is resident in Trinidad and Tobago for the purposes of Trinidad and Tobago tax and any person who is resident in Canada for the purposes of Canadian tax, and the terms "resident of one of the Contracting States" and "resident of the other Contracting State" mean any person who is a resident of Trinidad and Tobago or a resident of Canada as the context requires.

(2) Where by reason of the provisions of paragraph (1) an individual is a resident of both Contracting States his status shall be determined in accordance with the following rules—

- (a) he shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him;

if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closest (hereinafter referred to as his centre of vital interests);

- (b) if the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident of the Contracting State in which he has an habitual abode;
- (c) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State of which he is a national;
- (d) if he is a national of both Contracting States or of neither of them, the taxation authorities of the Contracting States shall determine the question by mutual agreement.

(3) Where by reason of the provisions of paragraph (1), a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

(4) Nothing in this Agreement shall restrict one of the Contracting States from imposing any of the taxes which are the subject of this Agreement upon a company incorporated in that Contracting State or upon interest, dividends, rents or royalties paid by such a company to a non-resident of that State.

ARTICLE IV.

(1) For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(2) The term "permanent establishment" shall include especially:

- (a) a place of management;
- (b) a branch;
- (c) a store;
- (d) an office;
- (e) a warehouse;
- (f) a factory;
- (g) a workshop;
- (h) a mine, quarry or other place of extraction of natural resources;
- (i) a building site or construction or assembly project which exists for more than six months.

(3) The term "permanent establishment" shall not be deemed to include:

- (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

- (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
- (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
- (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
- (e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

(4) An enterprise of one of the Contracting States shall be deemed to have a permanent establishment in the other Contracting State if it carries on the activity of providing the services within that other Contracting State of public entertainers or athletes referred to in paragraph (5) of Article XI.

(5) A person acting in one of the Contracting States on behalf of an enterprise of the other Contracting State—other than an agent of an independent status to whom paragraph (6) applies—shall be deemed to be a permanent establishment in the first-mentioned State

- (a) if he has, and habitually exercises in that first-mentioned State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or
- (b) if he maintains in that first-mentioned State a stock of goods or merchandise belonging to the enterprise from which he habitually fills orders or makes deliveries on behalf of the enterprise.

(6) An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

(7) The fact that a company which is a resident of one of the Contracting States controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE V.

(1) Industrial or commercial profits of a Trinidad and Tobago enterprise shall be exempt from Canadian tax unless the enterprise carries on business in Canada through a permanent establishment

situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by Canada on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(2) Industrial or commercial profits of a Canadian enterprise shall be exempt from Trinidad and Tobago tax unless the enterprise carries on business in Trinidad and Tobago through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by Trinidad and Tobago on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(3) Where an enterprise of one of the Contracting States carries on business in the other Contracting State through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to make if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(4) In determining the industrial or commercial profits of an enterprise of one of the Contracting States which are taxable in the other Contracting State in accordance with the previous paragraphs of this Article, there shall be allowed as deductions all expenses of the enterprise (including executive and general administrative expenses) which would be deductible if the permanent establishment were an independent enterprise and which are reasonably connected with the profits so taxable, whether such expenses were incurred in the Contracting State in which the permanent establishment is situated or elsewhere.

(5) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(6) The term "industrial or commercial profits" means income derived by an enterprise from the conduct of a trade or business but it does not include dividends, interest, royalties or rents other than dividends, interest, royalties or rents effectively connected with a trade or business carried on through a permanent establishment which an enterprise of one of the States has in the other State; nor does the term include remuneration for personal (including professional) services.

ARTICLE VI.

A resident of one of the Contracting States shall be exempt from tax in the other Contracting State on profits from the operation of ships or aircraft in international traffic.

ARTICLE VII.

Where

- (a) an enterprise of one of the Contracting States participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the Contracting States and an enterprise of the other Contracting State, and

in either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which but for those conditions would have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE VIII.

(1) The rate of tax imposed by one of the Contracting States on dividends paid or credited by a company which is a resident of that Contracting State to a resident of the other Contracting State shall not exceed 15 per cent.

(2) The provisions of paragraph (1) shall not apply if the person to whom the dividend is paid or credited has in the Contracting State of which the company paying the dividends is a resident a permanent establishment with which the holding by virtue of which the dividends are paid is effectively connected. In such a case, the provisions of Article V shall apply.

(3) Where a company which is a resident of one of the Contracting States derives profits or income from sources within the other Contracting State, that other State may not impose any tax on the dividends paid by the company to persons who are not residents of that other State or subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

(4) Subject to the provisions of paragraph (4) of Article IX of this Agreement—

- (a) the term “dividends” in the case of Trinidad and Tobago includes any item which under the law of Trinidad and Tobago is treated as a distribution;
- (b) the term “dividends” in the case of Canada includes any item which under the law of Canada is treated as a dividend.

(5) Notwithstanding paragraphs (3) and (4) where a company which is a resident of one of the Contracting States, having a permanent establishment in the other Contracting State, derives profits or income

from that permanent establishment, any remittances of such profits by the permanent establishment to a resident of the first-mentioned State may be taxed in accordance with the laws of the other Contracting State, but in no case shall the rate of such tax exceed 15 per cent.

ARTICLE IX.

(1) The rate of tax imposed by one of the Contracting States on interest arising in that Contracting State and paid to a resident of the other Contracting State shall not exceed 15 per cent.

(2) The provisions of paragraph (1) shall not apply if the person to whom the interest is paid or credited has in the Contracting State in which the interest arises, a permanent establishment with which the debt-claim from which the interest arises is effectively connected. In such a case, the provisions of Article V shall apply.

(3) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the interest paid exceeds the amount which would have been agreed upon by the payer and recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

(4) Any provision in the law of either of the Contracting States relating only to interest paid to a non-resident company shall not operate so as to require such interest paid to a company which is a resident of the other Contracting State to be treated as a distribution of the company paying such interest unless the interest is paid

- (i) by a company in which the amount owing in respect of long-term liabilities at any time in the year in which the interest was paid exceeds the amount of the shareholders' equity at that time, or
- (ii) to a company which is a resident of one of the Contracting States and more than 50 per cent of whose voting power is controlled, directly or indirectly, by a person or persons resident in the other Contracting State, or
- (iii) in a case where the taxation authorities of the Contracting State where the company paying the interest is resident is satisfied that, owing to a special relationship between the payer and the recipient or between both of them and some other person, such interest arises from arrangements made, or conditions imposed, for the avoidance of tax.

ARTICLE X.

(1) The rate of tax imposed by one of the Contracting States on royalties arising in that Contracting State and paid or credited to a resident of the other Contracting State shall not exceed 15 per cent.

(2) The term "royalties" as used in this Article means any royalties, rentals or other amounts paid as consideration for the use of, or the right to use copyrights, patents, designs or models, plans, secret processes or formulae, trade-marks or other like property or rights, or for industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, and includes any royalty or like payment in respect of motion picture films and films or video tapes for use in connection with television or tapes for use in connection with radio, but does not include royalties or other amounts paid in respect of the operations of mines or quarries or of the extraction or removal of natural resources.

(3) Notwithstanding paragraph (1) copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (excluding royalties and like payments in respect of motion picture films and films or video tapes for use in connection with television and tapes for use in connection with radio) arising in one of the Contracting States and paid or credited to a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

(4) The provisions of paragraphs (1) and (3) shall not apply if the person to whom the royalties are paid or credited has in the Contracting State in which the royalties arise a permanent establishment with which the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article V shall apply.

(5) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the royalties paid exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

ARTICLE XI.

(1) Salaries, wages and other similar remuneration (other than remuneration to which Articles XII and XIV apply) derived by a resident of one of the Contracting States in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

(2) Notwithstanding the provisions of paragraph (1) remuneration derived by a resident of one of the Contracting States in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

- (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the calendar year concerned, and
- (b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

- (c) the remuneration is not borne by a permanent establishment which the employer has in the other State, and
- (d) the remuneration earned in the other State in the calendar year concerned does not exceed five thousand Canadian dollars (\$5,000) or its equivalent in Trinidad and Tobago dollars.

(3) Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the Contracting State in which the person operating the ship or aircraft is resident.

(4) In relation to remuneration of a director of a company derived from the company the preceding provisions of this Article shall apply as if the remuneration were remuneration of an employee in respect of an employment and as if references to employers were references to the company.

(5) Notwithstanding the provisions of paragraphs (1) and (2), income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the Contracting State in which these activities are exercised.

ARTICLE XII.

(1) Remuneration (other than pensions) paid by one of the Contracting States or any political subdivision thereof to any individual for services rendered to it in the discharge of government functions shall be exempt from tax in the other Contracting State if the individual is present in that State solely for the purpose of rendering those services.

(2) This Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States or any political subdivision thereof for purposes of profit.

ARTICLE XIII.

Any pension or annuity derived from sources within one of the Contracting States by an individual who is a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

ARTICLE XIV.

(1) A professor or teacher who visits one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that State and who is, or was, immediately before that visit, a resident of the other Contracting State shall be exempt from tax in the first-mentioned State on any remuneration for such teaching.

(2) The provisions of paragraph (1) shall not apply where the services of a professor or teacher are performed under the terms of an agreement or contract, entered into with the Government of the country where the services are performed, which makes special provisions respecting their terms of employment.

ARTICLE XV.

A student or business apprentice, who is, or was, immediately before visiting one of the Contracting States a resident of the other Contracting State and is present in the first-mentioned State solely for the purpose of his education or training shall not be taxed in that first-mentioned State on payments which he receives for the purpose of his maintenance, education, or training provided that such payments are made to him from sources outside that first-mentioned State.

ARTICLE XVI.

(1) Subject to the provisions of the law of Trinidad and Tobago regarding the allowance as a credit against Trinidad and Tobago tax of tax payable in a territory outside Trinidad and Tobago (which shall not affect the general principle hereof) Canada tax payable in respect of income from sources within Canada shall be deducted from any Trinidad and Tobago tax payable in respect of that income.

(2) Subject to the provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada (which shall not affect the general principle hereof), Trinidad and Tobago tax payable in respect of income from sources within Trinidad and Tobago shall be deducted from any Canadian tax payable in respect of that income.

(3) For the purposes of this Article profits or remuneration for personal (including professional) services performed in one of the Contracting States shall be deemed to be income from sources within that State, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated in international traffic by a resident of one of the Contracting States shall be deemed to be performed in that State.

ARTICLE XVII.

(1) The nationals of one of the Contracting States shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which the nationals of the last-mentioned State in the same circumstances are or may be subjected.

(2) The taxation on a permanent establishment which an enterprise of one of the Contracting States has in the other Contracting State

shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

(3) Nothing in this Article shall be construed—

- (a) as obliging one of the Contracting States to grant to residents of the other Contracting State those personal allowances and reliefs for tax purposes which are by law available only to residents of the first-mentioned State;
- (b) as preventing one of the Contracting States from imposing on the profits attributable to a permanent establishment in that State of a company which is a resident of the other Contracting State, tax in addition to the tax which would be chargeable on those profits if they were the profits of a company which was a resident of that State, provided that any additional tax so imposed shall not be at a rate exceeding 15 per cent of the amount of those profits after deducting therefrom all other taxes chargeable on income or profits in that State, and an allowance in respect of net annual increases in its capital investment in property in that State.

(4) In this Article the term “taxation” means taxes which are the subject of this Agreement.

ARTICLE XVIII.

(1) Where a resident of one of the Contracting States considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with this Agreement, he may, notwithstanding the remedies provided by the laws of those States, present his case to the taxation authorities of the Contracting State of which he is a resident.

(2) The taxation authorities shall endeavour, if the objection appears to them to be justified and if they are not themselves able to arrive at an appropriate solution, to resolve that case by mutual agreement with the taxation authorities of the other Contracting State, with a view to the avoidance of taxation not in accordance with this Agreement.

(3) The taxation authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Agreement. They may also consult together for the purpose of endeavouring to eliminate double taxation in cases not provided for in this Agreement.

(4) The taxation authorities of the Contracting States may communicate directly with each other for the purposes of this Article.

ARTICLE XIX.

The taxation authorities of the Contracting States shall, upon request, exchange such information (being information which is at their

disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of this Agreement or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to persons other than persons (including a court or administrative tribunal) concerned with the assessment, collection, enforcement or prosecution in respect of the taxes which are the subject of this Agreement. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

ARTICLE XX.

(1) This Agreement shall come into force on the date when the last of all such things shall have been done in Trinidad and Tobago and Canada as are necessary to give the Agreement the force of law in Trinidad and Tobago and Canada respectively, and shall thereupon have effect—

(a) in Trinidad and Tobago—

- (i) in respect of tax withheld at the source on amounts paid, credited or remitted to non-residents on or after January 1, 1966;
- (ii) in respect of other Trinidad and Tobago tax for the year of income commencing January 1, 1966 and subsequent years of income;

(b) in Canada—

- (i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after January 1, 1966;
- (ii) in respect of other Canadian tax, for the 1967 taxation year and subsequent taxation years.

ARTICLE XXI.

(1) This Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before June 30 in any calendar year after the year 1967 give notice of termination to the other Contracting Government and, in such event, this Agreement shall not be effective—

(a) in Trinidad and Tobago—

- (i) in respect of tax withheld at the source on amounts paid, credited or remitted to non-residents on or after January 1 in the calendar year next following that in which the notice is given; and
- (ii) in respect of other Trinidad and Tobago tax for any year of income commencing in or after the calendar year next following that in which notice is given;

(b) in Canada—

- (i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after January 1 in the calendar year next following that in which the notice is given; and
- (ii) in respect of other Canadian tax for any taxation year commencing in or after the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement.

DONE at Washington this 28th day of September, 1966, in two copies in the English and French languages, both versions being equally authentic.

FOR THE GOVERNMENT OF CANADA

MITCHELL W. SHARP

FOR THE GOVERNMENT OF TRINIDAD AND
TOBAGO

ARTHUR N. R. ROBINSON

SCHEDULE II.

AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF IRELAND FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME.

The Government of Canada and the Government of Ireland, desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:

ARTICLE I.

1. The taxes which are the subject of this Agreement are:—

(a) in Canada:

the income taxes, including the old age security tax on income, which are imposed by the Government of Canada (hereinafter referred to as “Canadian tax”);

(b) in Ireland:

the income tax, including surtax, and the corporation profits tax (hereinafter referred to as “Irish tax”).

2. This Agreement shall also apply to any identical or substantially similar taxes which are subsequently imposed by either Contracting Government in addition to, or in place of the existing taxes.

ARTICLE II.

1. In this Agreement, unless the context otherwise requires:

(a) The terms “one of the territories” and “the other territory” mean Ireland or Canada, as the context requires.

(b) The term “tax” means Irish tax or Canadian tax, as the context requires.

(c) The term “person” includes any body of persons, corporate or not corporate.

(d) The term “company” includes any body corporate.

(e) The terms “resident of Ireland” and “resident of Canada” mean respectively any person who is resident in Ireland for the purposes of Irish tax and not resident in Canada for the purposes of Canadian tax and any person who is resident in Canada for the purposes of Canadian tax and not resident in Ireland for the purposes of Irish tax; a company shall be regarded as resident in Ireland if its business is managed and controlled in Ireland and as resident in Canada if its business is managed and controlled in Canada. Provided that nothing in this paragraph

shall affect any provisions of the law of Ireland regarding the imposition of corporation profits tax in the case of a company incorporated in Ireland and not managed and controlled in Canada.

- (f) The terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of Ireland or a person who is a resident of Canada, as the context requires.
- (g) The terms "Irish enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of Ireland and an industrial or commercial enterprise or undertaking carried on by a resident of Canada; and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean an Irish enterprise or a Canadian enterprise, as the context requires.
- (h) The term "permanent establishment" means a fixed place of business in which the business of an enterprise is wholly or partly carried on.
 - (i) The term "permanent establishment" shall include especially:
 - (a) a place of management;
 - (b) a branch;
 - (c) an office;
 - (d) a factory;
 - (e) a workshop;
 - (f) a mine, quarry or other place of extraction of natural resources;
 - (g) a building site or construction or assembly project which exists for more than twelve months.
 - (ii) The term "permanent establishment" shall not be deemed to include:
 - (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
 - (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
 - (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
 - (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or for collecting information, for the enterprise;

- (e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character for the enterprise.
- (iii) A person acting in one of the territories on behalf of an enterprise of the other territory—other than an agent of an independent status to whom clause (iv) applies—shall be deemed to be a permanent establishment in the first-mentioned territory—
 - (a) if he has, and habitually exercises in that first-mentioned territory, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or
 - (b) if he maintains in that first-mentioned territory a stock of goods or merchandise belonging to the enterprise from which he regularly fills orders on behalf of the enterprise.
- (iv) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business in that other territory through a broker, general commission agent or any other agent of an independent status, where such person is acting in the ordinary course of his business.
- (v) The fact that a company which is a resident of one of the territories controls or is controlled by a company which is a resident of the other territory, or which carries on business in that other territory (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.
- (vi) The term “international traffic” includes traffic between places in one country in the course of a voyage which extends over more than one country.

2. The term “industrial or commercial profits”, as used in this Agreement, does not include income in the form of dividends, interest, rents or royalties, management charges, or remuneration for labour or personal services.

3. In the application of the provisions of this Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Government relating to the taxes which are the subject of this Agreement.

ARTICLE III.

1. The industrial or commercial profits of an Irish enterprise shall not be subject to Canadian tax unless the enterprise carries on business in Canada through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed in Canada on those profits but only on so much of them as is attributable to that permanent establishment.

2. The industrial or commercial profits of a Canadian enterprise shall not be subject to Irish tax unless the enterprise carries on business in Ireland through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed in Ireland on those profits but only on so much of them as is attributable to that permanent establishment.

Provided that where a life assurance company which is a resident of Canada has a permanent establishment in Ireland nothing in this paragraph shall affect any of the provisions of the law of Ireland relating to the taxation of investment income of life assurance companies with head offices outside Ireland, being provisions which (except insofar as they may have been rendered ineffective by virtue of paragraph 2 of Article III of the Agreement between the Government of Ireland and the Government of Canada for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Ottawa on the 28th day of October, 1954) were in force on the date of signature of this Agreement. The foregoing proviso shall not, however, be deemed to involve that the said provisions of the law of Ireland were, or were considered by the Oireachtas to be, different from those provisions as governed by the proviso.

3. Where an enterprise of one of the territories carries on business in the other territory through a permanent establishment situated therein, there shall in each territory be attributed to that permanent establishment the industrial or commercial profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing quite independently with the enterprise of which it is a permanent establishment.

4. In determining the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions all expenses which would be deductible if the permanent establishment were an independent enterprise insofar as they are reasonably allocable to the permanent establishment, including executive and general administrative expenses so deductible and allocable, whether incurred in the territory in which the permanent establishment is situated or elsewhere.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

ARTICLE IV.

Where:

- (a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory,

and in either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which but for those conditions would have accrued to one of the enterprises, but, by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V.

Profits of an enterprise from the operation of ships or aircraft in international traffic shall be taxable only in the territory in which the place of effective management of the enterprise is situated.

ARTICLE VI.

1. The rate of Canadian tax on income (other than income from carrying on business in Canada or from performing duties in Canada) derived from sources within Canada by a resident of Ireland shall not exceed 15 per cent.

2. Notwithstanding paragraph 1, Canadian tax shall not be imposed on a dividend paid or credited by a company which is a resident of Canada to a company which is a resident of Ireland if

- (a) at least 95 per cent of the gross revenue of the former company for each of its last three complete taxation years before the day the dividend was paid or credited (or in the case of a company having fewer than three years, for each complete taxation year thereof before that day) was received by it or receivable by it, as the case may be, from non-resident persons as, or in lieu of payment of, dividends or interest, and
- (b) during the period of three years that ended on the day the dividend was paid or credited the former company did not own any shares in a company that was resident in Canada, and
- (c) during the period of twelve months that ended on the day the dividend was paid or credited the latter company owned all of the voting stock of the former company (except directors' qualifying shares).

3. Income (other than income from carrying on business in Ireland or from performing duties in Ireland) derived from sources within Ireland by an individual who is a resident of Canada shall be exempt from Irish surtax.

4. Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, the Government of that other territory shall not impose any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, by reason of the fact that those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

ARTICLE VII.

1. Copyright royalties and other like payments made in respect of the production or reproduction of any literary, dramatic, musical or artistic work (but not including rents or royalties in respect of motion picture films and films or video tapes for use in connection with television) and derived from sources within one of the territories by a resident of the other territory shall be exempt from tax in that first-mentioned territory.

2. The provisions of paragraph 1 shall not apply if the person deriving the royalty or other payment, being a resident of one of the territories, has in the other territory a permanent establishment with which the right or property giving rise to the royalty or payment is effectively connected.

ARTICLE VIII.

1. Income from immovable property may be taxed in the territory in which such property is situated.

2. The term "immovable property" shall be defined in accordance with the laws of the territory in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

ARTICLE IX.

1. Remuneration (other than pensions) paid by one of the Contracting Governments to any individual for services rendered to that Government in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Government if the individual is not ordinarily resident in that territory or is ordinarily resident in that territory solely for the purpose of rendering those services.

2. The provisions of paragraph 1 shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Governments for purposes of profit.

ARTICLE X.

1. Income derived by a resident of one of the territories in respect of professional services or other independent activities of a similar character shall be subjected to tax only in that territory unless he has a fixed base regularly available to him in the other territory for the purpose of performing his activities. If he has such a fixed base, such part of that income as is attributable to that base may be taxed in that other territory.

2. Subject to the provisions of Articles IX, XII and XIII, salaries, wages and other similar remuneration derived by a resident of one of the territories in respect of an employment shall be subjected to tax only in that territory unless the employment is exercised in the other territory. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other territory.

3. Notwithstanding the provisions of paragraph 2, remuneration derived by a resident of one of the territories in respect of an employment exercised in the other territory shall be subjected to tax only in the first-mentioned territory if:

- (a) the recipient is present in the other territory for a period or periods not exceeding in the aggregate 183 days in the Canadian taxation year or the Irish year of assessment concerned, as the case may be, and
- (b) the remuneration is paid by or on behalf of an employer who is not a resident of the other territory, and
- (c) the remuneration is not deducted from the profits of a permanent establishment or a fixed base which the employer has in the other territory.

4. Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the territory in which is situated the place of effective management of the enterprise operating the ship or aircraft.

5. Notwithstanding anything contained in this Agreement, income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the territory in which these activities are exercised.

ARTICLE XI.

1. Any pension or annuity derived from sources within Canada by an individual who is a resident of Ireland shall be exempt from Canadian tax.

2. Any pension or annuity derived from sources within Ireland by an individual who is a resident of Canada shall be exempt from Irish tax.

3. The term "pension" means periodic payments made in consideration of past services.

4. The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII.

An individual from one of the territories who receives remuneration for carrying out advanced study (including research) or for teaching during a period of temporary residence not exceeding two years at a university, college, recognized research institute or other establishment for higher education in the other territory shall be exempt from tax in that other territory in respect of that remuneration.

ARTICLE XIII.

Payments which a student or business apprentice who is or was formerly a resident of one of the territories and who is present in the other territory solely for the purpose of his education or training receives for the purpose of his maintenance, education or training, shall not be taxed in that other territory provided that such payments are made to him from sources outside that other territory.

ARTICLE XIV.

1. Subject to the provisions of the law of Ireland regarding the allowance as a credit against Irish tax of tax payable in a territory outside Ireland, Canadian tax payable under the law of Canada and in accordance with this Agreement, whether directly or by deduction, in respect of income from sources within Canada shall be allowed as a

credit against any Irish tax payable in respect of that income. Where such income is an ordinary dividend paid by a company which is a resident of Canada such credit shall take into account (in addition to any Canadian income tax deducted from or imposed on such dividend) the Canadian income tax imposed on such company in respect of its profits, and where it is a dividend paid on participating preference shares and representing both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits, such tax on profits shall likewise be taken into account insofar as the dividend exceeds such fixed rate.

2. Subject to the provisions of the law of Canada regarding the allowance as a credit against Canadian tax of tax payable in a territory outside Canada, Irish tax payable under the law of Ireland and in accordance with this Agreement, whether directly or by deduction, in respect of income from sources within Ireland shall be allowed as a credit against any Canadian tax payable in respect of that income. For this purpose the recipient of a dividend paid by a company which is a resident of Ireland shall be deemed to have paid the Irish income tax appropriate to such dividend if such recipient elects to include in his gross income for the purposes of Canadian tax the amount of such Irish income tax. For the purposes only of this Article, income derived from sources in the United Kingdom by an individual who is resident in Ireland shall be deemed to be income from sources in Ireland if such income is not subject to United Kingdom income tax.

3. For the purposes of computing Canadian tax a company resident in Canada, other than a life assurance company or a non-resident-owned investment corporation, shall, unless it is entitled to any greater deduction or relief under the Income Tax Act of Canada, be allowed to deduct in computing its taxable income any dividend paid out of profits granted incentive concessions in Ireland which it receives from a company resident in Ireland provided that the company resident in Canada owns more than 25 per cent of the issued share capital having full voting rights of the company resident in Ireland. For the purpose of this paragraph a "dividend paid out of profits granted incentive concessions in Ireland" means

(a) a dividend received from a company resident in Ireland and paid out of profits which were wholly exempted from Irish tax by reason of the provisions of one or more of:—

- (i) Parts II and III of the Finance (Miscellaneous Provisions) Act, 1956, (No. 47 of 1956), as amended;
- (ii) the Finance (Profits of Certain Mines) (Temporary Relief from Taxation) Act, 1956 (No. 8 of 1956), as amended; and
- (iii) Part II of the Finance (Miscellaneous Provisions) Act, 1958 (No. 28 of 1958);

so far as they were in force on, and have not been modified since, the date of signature of this Agreement, or have been modified only in minor respects so as not to affect their general character, or

- (b) a proportion of a dividend received from a company resident in Ireland, and paid out of profits that were charged to Irish tax at a reduced rate by virtue of one or more of the aforementioned provisions in (i), (ii) and (iii) of sub-paragraph (a) of this paragraph, equal to the proportion that the difference between the amount of tax deductible from the dividend and the amount of tax that would have been deductible therefrom, but for the aforementioned provisions, bears to the amount of tax that would have been so deductible.

4. For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, and the services of an individual whose services are wholly or mainly performed in ships or aircraft in international traffic operated by an enterprise of one of the territories shall be deemed to be performed in that territory.

ARTICLE XV.

1. The taxation authorities of the Contracting Governments shall upon request exchange such information (being information available under the respective taxation laws of the Contracting Governments) as is necessary for carrying out the provisions of this Agreement or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those concerned with the assessment and collection of the taxes which are the subject of this Agreement. No information shall be exchanged which would disclose any trade secret or trade process.

2. The taxation authorities of the Contracting Governments may communicate with each other directly for the purpose of giving effect to the provisions of this Agreement and for resolving any difficulty or doubt as to the application or interpretation of the Agreement.

3. As used in this Agreement, the term "taxation authorities" means, in the case of Canada, the Minister of National Revenue or his authorized representative; in the case of Ireland, the Revenue Commissioners or their authorized representative.

ARTICLE XVI.

1. The nationals of one of the territories shall not be subjected in the other territory to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other territory in the same circumstances are or may be subjected.

2. The term "nationals" means—

- (a) in relation to Ireland, all citizens of Ireland and all legal persons, partnerships and associations deriving their status as such from the law in force in Ireland;
- (b) in relation to Canada, all citizens of Canada and all legal persons, partnerships and associations deriving their status as such from the law in force in Canada.

3. This Article shall not be construed as obliging Ireland to grant to residents of Canada any relief or exemption allowed in accordance with the provisions of the Finance (Profits of Certain Mines) (Temporary Relief from Taxation) Act, 1956 (No. 8 of 1956), as subsequently amended, or part II of the Finance (Miscellaneous Provisions) Act, 1956 (No. 47 of 1956), as subsequently amended.

4. In this Article the term "taxation" means the taxes which are the subject of this Agreement.

ARTICLE XVII.

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at Dublin as soon as possible.

2. The Agreement shall enter into force upon the exchange of instruments of ratification and its provisions shall have effect—

(a) in Canada:

- (i) in respect of the income tax payable under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after the date on which the instruments of ratification are exchanged; and
- (ii) in respect of other Canadian tax, for the taxation years beginning on or after the first day of January in the calendar year next following that in which the instruments of ratification are exchanged;

(b) in Ireland:

- (i) in respect of income tax (including surtax) for the year of assessment beginning on the 6th day of April next following the date on which the instruments of ratification are exchanged and subsequent years; and
- (ii) in respect of corporation profits tax for any accounting period beginning on or after the 1st day of January next following the date on which the instruments of ratification are exchanged and for the unexpired portion of any accounting period current at the said 1st day of January.

3. The Agreement between the Government of Canada and the Government of Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Ottawa on the 28th day of October, 1954, is hereby terminated and shall cease to be effective for any period for which this Agreement shall have effect in accordance with paragraph 2 of this Article.

ARTICLE XVIII.

1. This Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before the 30th day of June in any calendar year after the year 1967, give notice of termination to the other Contracting Government and in such event this Agreement shall cease to be effective—

(a) in Canada:

- (i) in respect of the income tax payable under Part III of the *Income Tax Act* on amounts paid or credited to non-residents on or after the 1st day of the calendar year next following that in which such notice is given; and
- (ii) in respect of other Canadian tax for any taxation year ending in or after the calendar year next following that in which such notice is given;

(b) in Ireland:

- (i) in respect of income tax (including surtax) for any year of assessment beginning on or after the 6th day of April in the calendar year next following that in which such notice is given; and
- (ii) in respect of corporation profits tax for any accounting period beginning on or after the 1st day of January in the calendar year next following that in which such notice is given and for the unexpired portion of any accounting period current at that date.

2. The termination of this Agreement shall not have the effect of reviving any agreement or arrangement abrogated by this Agreement or by agreements previously concluded between the Contracting Governments.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Governments have signed the present Agreement and have affixed thereto their seals.

DONE at Ottawa this twenty-third day of November Nineteen Hundred and Sixty-six in two copies in the English, French and Irish languages each version being equally authentic.

FOR CANADA

MITCHELL W. SHARP

FOR IRELAND

JOHN A. BELTON

SCHEDULE III.

CONVENTION BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE KINGDOM OF
NORWAY FOR THE AVOIDANCE OF DOUBLE TAX-
ATION AND THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME.

The Government of Canada and the Government of the Kingdom of Norway,

Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, have agreed as follows:

CHAPTER I.

SCOPE OF THE CONVENTION.

ARTICLE 1.

Taxes Covered.

- (1) The taxes to which this Convention shall apply, are:

- (a) in the case of Norway:

national income tax;
national tax equalization dues on income;
national tax in aid of developing countries;
national dues on the salaries of foreign artistes;
municipal income tax;
tax on dependent children's earnings; and seamen's tax;
(hereinafter referred to as "Norwegian tax");

- (b) in the case of Canada:

income taxes and the old age security tax on income,
which are imposed by the Government of Canada;
(hereinafter referred to as "Canadian tax").

- (2) This Convention shall also apply to any other taxes of a character substantially similar to those referred to in paragraph (1) imposed in Norway or by the Government of Canada after the date of signature of this Convention.

CHAPTER II.

DEFINITIONS.

ARTICLE 2.

General Definitions.

- (1) In this Convention unless the context otherwise requires:

- (a) the term "Norway" means the Kingdom of Norway,

including the sea bed and its sub-soil in the submarine areas adjacent to the coast of the Kingdom of Norway which are subject to Norwegian sovereign rights pursuant to the Royal Decree of 31st May, 1963, in respect of activities connected with the exploitation and exploration of natural deposits; the term does not include Svalbard (Spitzbergen), Jan Mayen and the Norwegian dependencies out of Europe;

- (b) the term "person" includes individuals, companies and all other entities which are treated as taxable units under the taxation laws in force in either Contracting State;
- (c) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;
- (d) the terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of one of the Contracting States and an enterprise carried on by a resident of the other Contracting State;
- (e) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country;
- (f) the term "competent authority" means in the case of Norway the Minister of Finance and Customs or his authorized representative and in the case of Canada the Minister of National Revenue or his authorized representative.

(2) In the application of this Convention by one of the Contracting States any term which is not defined in this Convention shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of this Convention.

ARTICLE 3.

Fiscal Domicile.

(1) For the purposes of this Convention the terms "resident of Norway" and "resident of Canada" mean respectively any person who is resident in Norway for the purposes of Norwegian tax and any person who is resident in Canada for the purposes of Canadian tax, and the terms "resident of one of the Contracting States" and "resident of the other Contracting State" mean any person who is a resident of Norway or a resident of Canada as the context requires.

(2) Where by reason of the provisions of paragraph (1) an individual is a resident of both Contracting States then in this case the following rules shall apply:

- (a) he shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closest (hereinafter referred to as his centre of vital interests);
- (b) if the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident of the Contracting State in which he has an habitual abode;
- (c) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State of which he is a national;
- (d) if he is a national of both Contracting States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

(3) Where by reason of the provisions of paragraph (1), a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

(4) Notwithstanding paragraph (3) where a company that had been incorporated in one of the Contracting States and which at a time after the coming into force of this Convention was a resident of that State changes its place of effective management to the other Contracting State and the competent authorities of the two Contracting States agree that one of the main reasons for changing the place of effective management from one Contracting State to the other State was to avoid taxes on the undistributed income of the company on hand at the time the change in the place of effective management was made, the company shall be deemed to continue to be resident in the Contracting State in which it was incorporated.

ARTICLE 4.

Permanent Establishment.

(1) For the purposes of this Convention, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(2) The term "permanent establishment" shall include especially:

- (a) a place of management;
- (b) a branch;
- (c) an office;
- (d) a factory;
- (e) a workshop;
- (f) a mine, quarry or other place of extraction of natural resources;

- (g) a building site or construction or assembly project which exists for more than twelve months.

(3) The term "permanent establishment" shall not be deemed to include:

- (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
- (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
- (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
- (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
- (e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

(4) A person acting in one of the Contracting States on behalf of an enterprise of the other Contracting State—other than an agent of an independent status to whom paragraph (5) applies—shall be deemed to be a permanent establishment in the first-mentioned State:

- (a) if he has, and habitually exercises in that first-mentioned State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise, or
- (b) if he maintains in that first-mentioned State a stock of goods or merchandise belonging to the enterprise from which he regularly fills orders on behalf of the enterprise.

(5) An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

(6) The fact that a company which is a resident of one of the Contracting States controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

CHAPTER III.

TAXATION OF INCOME.

ARTICLE 5.

Income from Immovable Property.

(1) Income from immovable property may be taxed in the Contracting State in which such property is situated.

(2) The term "immovable property" shall be defined in accordance with the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

(3) The provisions of paragraph (1) shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

(4) The provisions of paragraphs (1) and (3) shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

(5) Rentals from immovable property or timber royalties derived from sources within Canada by a resident of Norway shall be entitled to tax treatment by Canada not less favourable than that accorded under Section 110 of the Income Tax Act as in effect on January 1st, 1966.

ARTICLE 6.

Business Profits.

(1) The profits of an enterprise of one of the Contracting States shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other Contracting State but only so much of them as is attributable to that permanent establishment.

(2) Where an enterprise of one of the Contracting States carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

(3) In the determination of the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment including executive and general administrative expenses so incurred, whether in the Contracting State in which the permanent establishment is situated or elsewhere.

(4) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(5) Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article, unless those items of income are attributable to a permanent establishment through which an enterprise of one of the Contracting States carries on business in the other Contracting State.

ARTICLE 7.

Shipping and Air Transport.

(1) Profits of an enterprise from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

(2) The provisions of paragraph (1) shall likewise apply to profits derived from the operation of vessels engaged in fishing, sealing or whaling activities on the high seas.

(3) When it is not feasible to determine that the place of effective management is in one of the Contracting States alone, and when the enterprise is carried on by one or more partners jointly and severally responsible and resident in one of the Contracting States and by one or more partners jointly and severally responsible and resident in the other Contracting State, profits as mentioned in paragraphs (1) and (2) are taxable in a Contracting State only in proportion to the share of the profits held by such partners resident in that Contracting State.

(4) The provisions of paragraph (1) shall apply in respect of participation in pools of any kind by Canadian or Norwegian enterprises engaged in shipping or air transport.

ARTICLE 8.

Associated Enterprises.

Where

- (a) an enterprise of one of the Contracting States participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or
- (b) the same persons participate directly or indirectly in the

management, control or capital of an enterprise of one of the Contracting States and an enterprise of the other Contracting State, and

in either case conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which but for those conditions would have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE 9.

Dividends.

(1) Dividends paid or credited by a company which is a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in that other State.

(2) Such dividends may also be taxed in the Contracting State of which the company paying or crediting the dividends is a resident, according to the law of that State, but the rate of tax so charged shall not exceed 15 per cent.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

(3) The provisions of paragraph (2) shall not apply if the person to whom the dividend is paid or credited, being a resident of one of the Contracting States has in the other Contracting State, of which the company paying the dividends is a resident, a permanent establishment with which the holding by virtue of which the dividends are paid is effectively connected. In such a case, the provisions of Article 6 shall apply.

(4) Where a company which is a resident of one of the Contracting States derives profits or income from sources within the other Contracting State, that other State may not impose any tax on the dividends paid by the company to persons who are not residents of that other State or subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

ARTICLE 10.

Interest.

(1) Interest arising in one of the Contracting States and paid or credited to a resident of the other Contracting State may be taxed in that other State.

(2) Such interest may also be taxed in the Contracting State in which it arises, according to the law of that State, but the rate of tax so charged shall not exceed 15 per cent.

(3) The provisions of paragraph (2) shall not apply if the person to whom the interest is paid or credited, being a resident of one of the Contracting States, has in the other Contracting State in which the interest arises, a permanent establishment with which the debt-claim from which the interest arises is effectively connected. In such a case, the provisions of Article 6 shall apply.

(4) Interest shall be deemed to arise in one of the Contracting States when the payer is that State itself, a political subdivision, a local authority or a resident of that State. Where, however, the person paying the interest, whether he is a resident of one of the Contracting States or not, has in one of the Contracting States a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

(5) Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the interest paid, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

(6) The term "interest" means interest on bonds, securities, notes, debentures or any other form of indebtedness as well as any excess of the amount repaid in respect of any form of indebtedness over the amount lent.

ARTICLE 11.

Royalties.

(1) Royalties paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in that other State.

(2) Such royalties as specified in paragraph (3), subparagraphs (b) and (c), may also be taxed in the Contracting State of which the person paying or crediting such royalties is a resident, according to the law of that State, but the tax so charged shall not exceed the rate limitations stated therein.

(3) (a) Copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (excluding royalties and like payments in respect of motion picture films and films or video tapes for use in connection with television) paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

- (b) Royalties and other amounts constituting consideration for the use of, or the privilege of using, any patent, design, plan, secret process, formula, trade mark, or other like property, and paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in the first-mentioned State, according to the law of that State, but the rate of tax so charged shall not exceed 15 per cent.
- (c) Royalties and like payments in respect of motion picture films and films or video tapes for use in connection with television paid or credited by a resident of one of the Contracting States to a resident of the other Contracting State may be taxed in the first-mentioned State, according to the law of that State, but the rate of tax so charged shall not exceed 10 per cent.

(4) Royalties shall be deemed to arise in one of the Contracting States when the payer is that State itself, a political subdivision, a local authority or a resident of that State. Where, however, the person paying the royalties, whether he is a resident of one of the Contracting States or not, has in one of the Contracting States a permanent establishment in connection with which the contract has been concluded on which the royalties are paid, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

(5) The provisions of paragraphs (2) and (3) shall not apply if the recipient of the royalties, being a resident of one of the Contracting States, has in the other Contracting State in which the royalties arise a permanent establishment with which the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article 6 shall apply.

(6) Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

ARTICLE 12.

Income from Estate or Trust.

(1) Income derived from an estate or trust which is a resident of one of the Contracting States and paid or credited to a resident of the other Contracting State may be taxed in that other State.

(2) Such income may also be taxed in the Contracting State of which the estate or trust paying or crediting such income is a resident, according to the laws of that State, but the rate of tax so charged shall not exceed 15 per cent.

ARTICLE 13.

Independent Personal Services.

(1) Income derived by a resident of one of the Contracting States in respect of professional services or other independent activities of a similar character shall be taxable only in that State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other Contracting State but only so much of it as is attributable to that fixed base.

(2) The term "professional services" includes, especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

ARTICLE 14.

Income from Employment.

(1) Subject to the provisions of Articles 15, 16, 17 and 18, salaries, wages and other similar remuneration derived by a resident of one of the Contracting States in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

(2) Notwithstanding the provisions of paragraph (1) remuneration derived by a resident of one of the Contracting States in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

- (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the calendar year concerned, and
- (b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and
- (c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.

(3) Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the Contracting State in which the place of effective management of the enterprise is situated. When it is not feasible to determine that the place of effective management is in one of the Contracting States alone, and when a shipping

enterprise is carried on by one or more partners jointly and severally responsible and resident in one of the Contracting States and by one or more partners jointly and severally responsible and resident in the other Contracting State, remuneration for such services may be taxed in the Contracting State in which the ship is registered.

The provisions of this paragraph shall likewise apply to remuneration derived by a resident of a Contracting State in respect of an employment exercised aboard a fishing, sealing or whaling vessel, including remuneration paid to him in the form of a certain lay or share of the proceeds of the fishing, sealing or whaling activity.

(4) In relation to remuneration of an individual in his capacity as a member of the board of directors of a company and similar payments the provisions of paragraphs (1) and (2) of this Article shall apply as if the remuneration were remuneration of an employee in respect of an employment, and as if references to an employer were references to the company.

ARTICLE 15.

Artistes and Athletes.

Notwithstanding the provisions of Articles 13 and 14, income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the Contracting State in which these activities are exercised.

ARTICLE 16.

Pensions and Annuities.

(1) Any pension or annuity derived from sources within one of the Contracting States by an individual who is a resident of the other Contracting State shall be exempt from tax in the first-mentioned State.

(2) As used in this Article:

- (a) the term "pension" means periodic payments made in consideration of past services;
- (b) the term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or moneys' worth.

ARTICLE 17.

Governmental Functions.

(1) Remuneration (other than pensions referred to in Article 16) paid by one of the Contracting States or by any political subdivision

thereof to any individual for services rendered to it in the discharge of governmental functions shall be exempt from tax in the other Contracting State if the individual is present in that other State solely for the purpose of rendering those services.

(2) Paragraph (1) shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States or by any political subdivision thereof for purposes of profit.

ARTICLE 18.

Professors and Teachers.

An individual who visits one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that State and who is or was immediately before visiting that State a resident of the other Contracting State shall not be taxed by the first-mentioned State on the remuneration received for that teaching.

ARTICLE 19.

Students.

Payments which a student or business apprentice who is or was formerly a resident of one of the Contracting States and who is present in the other Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed by that other State, provided that such payments are made to him from outside that other State.

ARTICLE 20.

Alimony.

(1) Any alimony or other maintenance payment received from a resident of one of the Contracting States by a resident of the other Contracting State shall be taxable only in the last-mentioned State.

(2) The term "maintenance payment" means a payment made pursuant to an order of a recognized authority or pursuant to a written separation agreement

- (a) by one of the parties to a marriage (including a marriage which has been dissolved or annulled) to or for the benefit of the other party to that marriage for that other party's maintenance; or
- (b) to any person for the benefit of, or for the maintenance or education of, a child of the marriage.

CHAPTER IV.

METHOD FOR ELIMINATION OF DOUBLE TAXATION.

ARTICLE 21.

Exemption and Credit Method.

(1) Where a resident of Norway derives income which, in accordance with the provisions of this Convention, may be taxed in Canada, Norway shall, subject to the provisions of paragraph (2), exempt such income from tax but may, in calculating tax on the remaining income of that person, apply the rate of tax which would have been applicable if the exempted income had not been so exempted.

(2) Where a resident of Norway derives income which, in accordance with the provisions of Articles 9, 10, 11 and 12, may be taxed in Canada, Norway shall allow as a deduction from the tax on the income of that person an amount equal to the tax paid in Canada. Such deduction shall not, however, exceed that part of the tax, as computed before the deduction is given, which is appropriate to the income derived from Canada.

(3) Except in the case of a non-resident-owned investment corporation Canada agrees to allow as a deduction from Canadian tax on any income derived from sources within Norway which is subject to tax in Canada the amount of Norwegian tax payable in respect of that income, provided that the deduction shall not exceed the proportion of the Canadian tax which the income from Norway that is subject to Canadian tax bears to the total income subject to Canadian tax.

(4) For the purposes of this Article

- (a) profits or remuneration for personal (including professional) services performed in one of the Contracting States shall be deemed to be income from sources within that State, and
- (b) directors' fees and similar payments shall be deemed to be income from sources within the Contracting State of which the company is a resident.

CHAPTER V.

SPECIAL PROVISIONS.

ARTICLE 22.

Non-discrimination.

(1) The nationals of one of the Contracting States shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than

the taxation and connected requirements to which nationals of that other State in the same circumstances are or may be subjected.

(2) The term "nationals" means:

- (a) all individuals possessing the nationality of a Contracting State;
- (b) all legal persons, partnerships and associations deriving their status as such from the law in force in a Contracting State.

(3) This Article shall not be construed as obliging Norway to grant to Canadian nationals the exceptional tax relief which is accorded to Norwegian nationals and persons born of parents having Norwegian nationality pursuant to Section 22 of the Norwegian Taxation Act for the Rural Districts and Section 17 of the Norwegian Taxation Act for the Urban Districts.

(4) This Article shall not be construed as preventing a Contracting State from taxing a non-resident of that State on a different basis from that on which it taxes a resident of that State.

(5) In this Article the term "taxation" means the imposition of the taxes referred to in Article 1.

ARTICLE 23.

Mutual Agreement Procedure.

(1) Where a resident of one of the Contracting Parties considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the laws of those States, present his case to the competent authority of the Contracting State of which he is a resident.

(2) The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at an appropriate solution, to resolve that case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation not in accordance with this Convention.

(3) The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Convention. They may also consult together for the purpose of endeavouring to eliminate double taxation in cases not provided for in this Convention.

(4) The competent authorities of the Contracting States may communicate directly with each other for the purposes of this Article.

ARTICLE 24.

Exchange of Information.

(1) The competent authorities of the Contracting States shall, upon request, exchange such information as is necessary for the carrying out of this Convention and of the laws of the Contracting States

concerning taxes covered by this Convention insofar as the taxation thereunder is in accordance with this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons or authorities other than those concerned with the assessment or collection of the taxes which are the subject of this Convention.

(2) In no case shall the provisions of paragraph (1) be construed so as to impose on one of the Contracting States the obligation:

- (a) to carry out administrative measures at variance with the laws or the administrative practice of that or of the other Contracting State;
- (b) to supply particulars which are not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;
- (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

ARTICLE 25.

Territorial Extension.

This Convention may be extended, either in its entirety or with any necessary modifications, to any part of the territory of Norway, which is specifically excluded from the application of this Convention, which imposes taxes substantially similar in character to those to which this Convention applies. Any such extension shall take effect from such date and subject to such modifications and conditions, including conditions as to termination, as may be specified and agreed between the Contracting States in notes to be exchanged through diplomatic channels.

ARTICLE 26.

Diplomatic and Consular Officials.

Nothing in this Convention shall affect the fiscal privileges of diplomatic or consular officials under the general rules of international law or under the provisions of special agreements.

Nevertheless, each Contracting State reserves the right to tax its own diplomatic or consular officials, regardless of the provisions of this Convention.

CHAPTER VI.

FINAL PROVISIONS.

ARTICLE 27.

Entry into Force.

(1) This Convention shall be ratified and the instruments of ratification will be exchanged at Oslo as soon as possible.

(2) This Convention shall enter into force on the date of exchange of instruments of ratification and shall have effect:

(a) in Norway:

- (i) with regard to income tax on dividends paid by Norwegian companies, for such tax imposed on dividends payable on or after January 1st, 1966, and
- (ii) with regard to other income tax, for such tax imposed on the basis of the assessment 1967 (income year 1966, including any accounting period closed in the course of that year) and subsequent assessment years;

(b) in Canada:

- (i) with regard to the income tax levied under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after January 1st, 1966, and
- (ii) with regard to other income tax for 1966 and subsequent taxation years.

(3) The Agreement between the Government of Norway and the Government of Canada constituted by the Exchange of Notes concerning reciprocal exemption from income tax on profits accruing from the operation of ships, dated May 2nd, 1929, shall not have effect in respect of any income year in Norway or taxation year in Canada for which this Convention has effect.

ARTICLE 28.

Termination.

This Convention shall continue in effect until it has been terminated by either one of the Contracting States giving notice of termination on or before the 30th day of June in any calendar year after 1968. In such event this Convention shall cease to have effect:

(a) in Norway:

- (i) with regard to income tax on dividends paid by Norwegian companies, for such tax imposed on dividends payable on or after January 1st in the

calendar year next following that in which the notice of termination is given, and

- (ii) with regard to other income tax, for such tax imposed on the income of the income year following that in which the notice of termination is given;

(b) in Canada:

- (i) with regard to the income tax levied under Part III of the Income Tax Act on amounts paid or credited to non-residents on or after January 1st in the calendar year next following that in which the notice of termination is given, and
- (ii) with regard to other income tax for taxation years ending in the calendar year next following that in which the notice of termination is given.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Ottawa this 23rd day of November 1966, in two copies in the English, French and Norwegian languages, each version being equally authentic.

FOR THE GOVERNMENT OF CANADA:

MITCHELL W. SHARP

FOR THE GOVERNMENT OF THE KINGDOM OF
NORWAY:

TORFINN OFTEDAL

SCHEDULE IV.

AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND CAPITAL GAINS.

The Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland,

Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital gains,

Have agreed as follows:

ARTICLE 1.

(1) The taxes which are the subject of this Agreement are—

(a) in the United Kingdom of Great Britain and Northern Ireland:

the income tax including surtax, the profits tax, the corporation tax and the capital gains tax;

(b) in Canada:

the income taxes, including the old age security tax on income, which are imposed by the Government of Canada.

(2) This Agreement shall also apply to any identical or substantially similar taxes which are imposed after the date of signature of this Agreement in addition to, or in place of, the existing taxes by either Government or by the Government of any territory to which the present Agreement is extended under Article 26.

ARTICLE 2.

(1) In this Agreement, unless the context otherwise requires—

(a) the term “United Kingdom” means Great Britain and Northern Ireland, including any area outside the territorial waters of the United Kingdom which has been designated, under the laws of the United Kingdom concerning the Continental Shelf, as an area within which the rights of the United Kingdom with respect to the sea-bed and sub-soil and their natural resources may be exercised;

(b) the term “Canada” means the territory of Canada including any area outside the territorial waters of Canada which under the laws of Canada is an area within which the rights of Canada with respect to the sea-bed and sub-soil and their natural resources may be exercised;

- (c) the terms "the territory", "one of the territories" and "the other territory" mean the United Kingdom or Canada as the context requires;
- (d) the term "taxation authorities" means, in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorised representative; in the case of Canada, the Minister of National Revenue or his authorised representative;
- (e) the term "United Kingdom tax" means tax imposed by the United Kingdom being tax to which this Agreement applies by virtue of Article 1; the term "Canadian tax" means tax imposed by Canada being tax to which this Agreement applies by virtue of Article 1;
- (f) the term "tax" means United Kingdom tax or Canadian tax as the context requires;
- (g) the term "person" includes any body of persons corporate or not corporate;
- (h) the term "company" means any body corporate;
- (i) the term "national" means—
 - (i) in relation to the United Kingdom—
 - (aa) all citizens of the United Kingdom and Colonies and British protected persons other than those citizens and protected persons who derive their status as such from connection with any territory for whose international relations the United Kingdom Government is responsible to which this Agreement may be extended under Article 26 but has not been so extended;
 - (bb) all legal persons, associations and other entities deriving their status as such from the law of the United Kingdom or any territory for whose international relations the United Kingdom Government is responsible to which this Agreement is extended under Article 26;
 - (ii) in relation to Canada—
 - (aa) any individual who is a Canadian citizen;
 - (bb) any legal person deriving its status as such from the law in force in Canada or in any part thereof;
- (j) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country;
- (k) the term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

(2) In the application of the provisions of this Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Government relating to the taxes which are the subject of this Agreement.

ARTICLE 3.

(1) For the purposes of this Agreement the terms "resident of the United Kingdom" and "resident of Canada" mean respectively any person who is resident in the United Kingdom for the purposes of United Kingdom tax and any person who is resident in Canada for the purposes of Canadian tax.

(2) Where by reason of the provisions of paragraph (1) above an individual is a resident of both territories, his status shall be determined in accordance with the following rules—

- (a) he shall be deemed to be a resident of the territory in which he has a permanent home available to him. If he has a permanent home available to him in both territories, he shall be deemed to be a resident of the territory with which his personal and economic relations are closest (hereinafter referred to as his "centre of vital interests");
- (b) if the territory in which he has his centre of vital interests cannot be determined or if he has not a permanent home available to him in either territory, he shall be deemed to be a resident of the territory in which he has an habitual abode;
- (c) if he has an habitual abode in both territories or in neither of them, he shall be deemed to be a resident of the territory of which he is a national;
- (d) if he is a national of both territories or of neither of them, the taxation authorities of the territories shall determine the question by mutual agreement.

(3) Where by reason of the provisions of paragraph (1) above a person other than an individual is a resident of both territories, then it shall be deemed to be a resident of the territory in which its place of effective management is situated.

(4) The term "resident of one of the territories" and "resident of the other territory" means a person who is a resident of the United Kingdom or a person who is a resident of Canada, as the context requires.

(5) The terms "United Kingdom enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Canada, and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a United Kingdom enterprise or a Canadian enterprise, as the context requires.

ARTICLE 4.

(1) For the purposes of this Agreement the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(2) The term "permanent establishment" shall include especially—

- (a) a place of management;
- (b) a branch;
- (c) an office;
- (d) a factory;
- (e) a workshop;
- (f) a mine, quarry or other place of extraction of natural resources;
- (g) a building site or construction or assembly project which exists for more than twelve months.

(3) The term "permanent establishment" shall not be deemed to include—

- (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
- (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
- (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
- (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
- (e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.

(4) An enterprise of one of the territories shall be deemed to have a permanent establishment in the other territory if it carries on the activity of providing the services within that other territory of public entertainers or athletes referred to in Article 15.

(5) A person acting in one of the territories on behalf of an enterprise of the other territory—other than an agent of an independent status to whom paragraph (6) applies—shall be deemed to be a permanent establishment in the first-mentioned territory—

- (a) if he has, and habitually exercises in that first-mentioned territory, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise; or
- (b) if he maintains in that first-mentioned territory a stock of goods or merchandise belonging to the enterprise from which he habitually fills orders on behalf of the enterprise.

(6) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business in that other territory through a broker, a general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business.

(7) The fact that a company which is a resident of one of the territories controls or is controlled by a company which is a resident of the other territory, or which carries on business in that other territory (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE 5.

(1) Income from immovable property may be taxed in the territory in which such property is situated.

(2) (a) The term "immovable property" shall, subject to subparagraph (b) below, be defined in accordance with the laws of the territory in which the property in question is situated;

(b) the term "immovable property" shall in any case include property accessory to immovable property, livestock and equipment of agricultural and forestry enterprises, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships and aircraft shall not be regarded as immovable property.

(3) The provisions of paragraph (1) shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

(4) The provisions of paragraphs (1) to (3) of this Article shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

ARTICLE 6.

(1) Industrial or commercial profits of a United Kingdom enterprise shall be exempt from Canadian tax unless the enterprise carries on business in Canada through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by Canada on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(2) Industrial or commercial profits of a Canadian enterprise shall be exempt from United Kingdom tax unless the enterprise carries on business in the United Kingdom through a permanent establishment

situated therein. If the enterprise carries on business as aforesaid, tax may be imposed by the United Kingdom on the industrial or commercial profits of the enterprise but only on so much of them as is attributable to that permanent establishment.

(3) Where an enterprise of one of the territories carries on business in the other territory through a permanent establishment situated therein, there shall be attributed to that establishment the industrial or commercial profits which it might be expected to make if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(4) In determining the industrial or commercial profits of an enterprise of one of the territories which are taxable in the other territory in accordance with the previous paragraphs of this Article, there shall be allowed as deductions all expenses of the enterprise (including executive and general administrative expenses) which would be deductible if the permanent establishment were an independent enterprise and which are reasonably connected with the profits so taxable, whether incurred in the territory in which the permanent establishment is situated or elsewhere.

(5) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(6) The term "industrial or commercial profits" means income derived by an enterprise from the conduct of a trade or business, including income derived by an enterprise from the furnishing of services of employees or other personnel, but it does not include dividends, interest, royalties (as defined in Articles 9, 10 and 11) or rents other than dividends, interest, royalties or rents effectively connected with a trade or business carried on through a permanent establishment which an enterprise of one of the territories has in the other territory; nor does the term include remuneration for personal (including professional) services.

(7) Nothing in the foregoing provisions of this Article shall affect any of the provisions of the law of the United Kingdom relating to the liability to tax of a life assurance company not having its head office in the United Kingdom in respect of income from the investments of its life assurance fund, being provisions which (except in so far as they were rendered ineffective by virtue of Article III of the Agreement between Canada and the United Kingdom with respect to taxes on income signed at Ottawa on 6 December, 1965) were in force on the date of signature of this Agreement, or which, if they have been modified since that date, have been modified only in minor respects so as not to affect their general character.

ARTICLE 7.

A resident of one of the territories shall be exempt from tax in the other territory on profits from the operation of ships or aircraft in international traffic.

ARTICLE 8.

Where—

- (a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory; or
 - (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory;
- and, in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would but for those conditions, have accrued to one of the enterprises but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE 9.

(1) The United Kingdom tax on dividends derived from a company which is a resident of the United Kingdom and which are paid after 5 April, 1966 and beneficially owned by a resident of Canada shall not exceed 15 per cent. of the gross amount of the dividends.

(2) Dividends derived from a company which is a resident of the United Kingdom and which are paid before 6 April, 1966 and which are beneficially owned by a resident of Canada shall be exempt from United Kingdom surtax.

(3) The Canadian tax on dividends derived from a company which is a resident of Canada and which are beneficially owned by a resident of the United Kingdom shall not exceed 15 per cent. of the gross amount of the dividends.

- (4) (a) Notwithstanding paragraphs (1) and (3) of this Article where a company which is a resident of one of the territories satisfies the condition prescribed in sub-paragraph (b) of this paragraph, tax shall not be imposed in that territory on dividends which that company pays after 5 April, 1966 to a resident of the other territory, who is the beneficial owner thereof, provided the Government of the other territory does not impose on the profits attributable to a permanent establishment of the company in that other territory any tax which is in addition to the tax which would be chargeable on those profits if they were the profits of a company which was a resident of the territory of that Government;
- (b) the condition referred to in sub-paragraph (a) of this paragraph is that the company derived not less than 90 per cent. of its income for each of its last three accounting periods or taxation years before the dividend was paid (or in the case of a company having fewer than three

accounting periods or taxation years, for each accounting period or taxation year thereof before that date) from a business carried on by it in the other territory.

(5) Subject to the provisions of paragraph (4) of Article 10 and of paragraph (4) of Article 11 of this Agreement—

- (a) the term “dividends” in the case of the United Kingdom includes any item which under the law of the United Kingdom is treated as a distribution of a company;
- (b) the term “dividends” in the case of Canada includes any item which under the law of Canada is treated as a dividend.

(6) The provisions of paragraphs (1) (2) and (4) of this Article shall not apply if the owner of the dividends, being a resident of Canada, has in the United Kingdom a permanent establishment and the holding giving rise to the dividends is effectively connected with a trade carried on through such permanent establishment and, in the case of a company, the trade is such that a profit on the sale of the holding would be a trading receipt.

(7) The provisions of paragraphs (3) and (4) of this Article shall not apply if the owner of the dividends, being a resident of the United Kingdom has in Canada a permanent establishment and the holding giving rise to the dividends is effectively connected with a business carried on through such permanent establishment and, in the case of a company, the business is such that a profit on the sale of the holding would be included in computing its income.

(8) Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, the Government of that other territory shall not impose any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, by reason of the fact that those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

- (9) (a) If a resident of Canada does not bear Canadian tax on dividends derived from a company which is a resident of the United Kingdom and owns 10 per cent. or more of the class of shares in respect of which the dividends are paid, then neither paragraphs (1) or (2) shall apply to the dividends to the extent that they can have been paid only out of profits which the company paying the dividends earned or other income which it received in a period ending twelve months or more before the relevant date. For the purposes of this sub-paragraph the term “relevant date” means the date on which the beneficial owner of the dividends became the owner of 10 per cent. or more of the class of shares referred to above;
- (b) where a company which has been incorporated in Canada after the coming into force of this Agreement has its

place of effective management in the United Kingdom, paragraph (8) shall not apply to dividends paid by that company;

- (c) this paragraph shall not apply if in the case of sub-paragraph (a) the shares were acquired, or in the case of sub-paragraph (b) the choice of the place of effective management was made for bona fide commercial reasons and not primarily for the purpose of securing the benefit of this Article.

ARTICLE 10.

(1) The United Kingdom tax on interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of Canada shall not exceed 15 per cent. of the gross amount of the interest.

(2) The Canadian tax on interest (on bonds, securities, debentures, or on any other form of indebtedness) derived and beneficially owned by a resident of the United Kingdom shall not exceed 15 per cent. of the gross amount of the interest.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the interest, being a resident of one of the territories, has in the other territory a permanent establishment and the indebtedness giving rise to the interest is effectively connected with a trade or business carried on through that permanent establishment.

(4) Any provision in the law of either of the territories relating only to interest paid to a non-resident company shall not operate so as to require such interest paid to a company which is a resident of the other territory to be treated as a distribution of the company paying such interest. The preceding sentence shall not apply to interest paid to a company which is a resident of one of the territories in which more than 50 per cent. of the voting power is controlled, directly or indirectly, by a person or persons resident in the other territory.

(5) The provisions of paragraphs (1) and (2) of this Article shall not apply to interest where the beneficial owner of the interest—

- (a) is not subject to tax in respect thereof in the territory of which it is a resident; and
- (b) sells (or makes a contract to sell) the holding from which the interest is derived within three months of the date on which such beneficial owner acquired that holding.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the interest paid exceeds the amount which would have been agreed upon by the payer and recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

ARTICLE 11.

(1) Copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (but not including rents or royalties in respect of motion picture films and films or video tapes for use in connection with television) which are derived and beneficially owned by a resident of Canada, shall be exempt from tax in the United Kingdom.

The United Kingdom tax on royalties, other than royalties to which the preceding sentence applies, and which are derived and beneficially owned by a resident of Canada shall not exceed 10 per cent. of the gross amount of the royalties.

(2) Copyright royalties and other like payments in respect of the production or reproduction of any literary, dramatic, musical or artistic work (but not including rents or royalties in respect of motion picture films and films or video tapes for use in connection with television) which are derived and beneficially owned by a resident of the United Kingdom, shall be exempt from tax in Canada.

The Canadian tax on royalties, other than royalties to which the preceding sentence applies, and which are derived and beneficially owned by a resident of the United Kingdom shall not exceed 10 per cent. of the gross amount of the royalties.

(3) Paragraphs (1) and (2) of this Article shall not apply if the recipient of the royalties, being a resident of one of the territories, has in the other territory a permanent establishment and the right or property giving rise to the royalties is effectively connected with a trade or business carried on through that permanent establishment.

(4) Royalties paid by a company which is a resident of one of the territories to a resident of the other territory shall not be treated as a distribution of or a dividend from such a company. The preceding sentence shall not apply to royalties paid to a company which is a resident of one of the territories where (a) the same persons participate directly or indirectly in the management or control of the company paying the royalties, and (b) more than 50 per cent. of the voting power in the company deriving the royalties is controlled, directly or indirectly, by a person or persons resident in the other territory.

(5) The term "royalties" as used in this Article means any royalties, rentals or other amounts paid as consideration for the use of, or the right to use copyrights, patents, designs or models, plans, secret processes or formulae, trade-marks or other like property or rights, or for industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, and includes any rental or like payment in respect of motion picture films and films or video tapes for use in connection with television, but does not include royalties or other amounts paid in respect of the operation of mines or quarries or of the extraction or removal of natural resources.

(6) Where, owing to a special relationship between the payer and the recipient, or between both of them and some other person, the amount of the royalties paid exceeds the amount which would have been

agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

ARTICLE 12.

(1) Gains from the alienation of immovable property, as defined in paragraph (2) of Article 5, may be taxed in the territory in which such property is situated.

(2) Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of one of the territories has in the other territory or of movable property pertaining to a fixed base available to a resident of one of the territories in the other territory for the purpose of performing professional services, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise) or of such a fixed base, may be taxed in the other territory. However, gains derived by a resident of one of the territories from the alienation of ships and aircraft operated in international traffic and movable property pertaining to the operation of such ships and aircraft shall be taxable only in that territory.

(3) Gains from the alienation of any property other than those mentioned in paragraphs (1) and (2) shall be taxable only in the territory of which the alienator is a resident.

ARTICLE 13.

Income derived by a resident of one of the territories in respect of professional services or other independent activities of a similar character shall be subjected to tax only in that territory unless he has a fixed base regularly available to him in the other territory for the purpose of performing his activities. If he has such a fixed base, such part of that income as is attributable to that base may be taxed in that other territory.

ARTICLE 14.

(1) Salaries, wages and other similar remuneration (other than remuneration to which Articles 17 and 18 apply) derived by a resident of one of the territories in respect of an employment shall be subjected to tax only in that territory unless the employment is exercised in the other territory. If the employment is so exercised such remuneration as is derived therefrom may be taxed in that other territory.

(2) Notwithstanding the provisions of paragraph (1) of this Article remuneration derived by a resident of one of the territories in respect of an employment exercised in the other territory shall be subjected to tax only in the first-mentioned territory if—

(a) the recipient is present in the other territory for a period or periods not exceeding in the aggregate 183 days in the

- Canadian taxation year or the United Kingdom year of assessment concerned, as the case may be; and
- (b) the remuneration is paid by or on behalf of an employer who is not a resident of the other territory; and
 - (c) the remuneration is not deducted from the profits of a permanent establishment or a fixed base which the employer has in the other territory.

(3) Notwithstanding the preceding provisions of this Article, remuneration in respect of an employment exercised aboard a ship or aircraft in international traffic may be taxed in the territory in which the place of effective management of the enterprise operating the ship or aircraft is situated.

(4) In relation to remuneration of a director of a company derived from the company the preceding provisions of this Article shall apply as if the remuneration were remuneration of an employee in respect of an employment, and as if references to employers were references to the company.

ARTICLE 15.

Notwithstanding anything contained in Articles 13 and 14, income derived by public entertainers, such as theatre, motion picture, radio, or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the territory in which these activities are exercised.

ARTICLE 16.

(1) Any pension (other than a pension referred to in paragraphs (2), (3) or (4) of this Article), or any annuity derived from sources within one of the territories by an individual who is a resident of the other territory shall be exempt from tax in the first-mentioned territory.

Provided that this paragraph shall also apply instead of paragraphs (2), (3) and (4) to any pensions referred to in those paragraphs if the provisions of this paragraph are more favourable to the individual to whom the pension is paid.

(2) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to an individual for services rendered to it in the discharge of governmental functions by that individual shall be exempt from tax in the territory of the other Contracting Government if—

- (a) that individual was a resident of the other territory on the relevant date;
- (b) the first payment period of that pension commenced before the relevant date; and
- (c) that pension would have been exempt from tax in that territory if Article VIII of the Agreement between Canada and the United Kingdom with respect to taxes on income signed in London on 5 June, 1946 were in force.

(3) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to the surviving spouse or other surviving dependant of an individual who died before the relevant date, in respect of services rendered to it in the discharge of governmental functions by that individual, shall be exempt from tax in the territory of the other Contracting Government if—

- (a) that spouse or other dependant was a resident of the other territory on the relevant date; and
- (b) that pension would have been exempt from tax in that territory if Article VIII of the Agreement between Canada and the United Kingdom with respect to taxes on income signed in London on 5 June, 1946 were in force.

(4) Subject to the proviso to paragraph (1), any pension paid by one of the Contracting Governments to the surviving spouse or other surviving dependant of an individual who died after the relevant date in respect of services rendered to it in the discharge of governmental functions by that individual shall be exempt from tax in the territory of the other Contracting Government if it relates to a pension paid to that individual which was exempt from tax in the territory of the other Contracting Government by virtue of paragraph (2).

(5) In this Article the term “relevant date” means, in relation to a pension paid to a resident of Canada, 1 January, 1965 and, in relation to a pension paid to a resident of the United Kingdom, 6 April, 1965.

ARTICLE 17.

(1) Remuneration (other than pensions) paid by one of the Contracting Governments to any individual for services rendered to that Contracting Government in the discharge of governmental functions shall be exempt from tax in the territory of the other Contracting Government if the individual is not ordinarily resident in that territory or is ordinarily resident in that territory solely for the purpose of rendering those services.

(2) This Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Governments for purposes of profit.

ARTICLE 18.

A professor or teacher who visits one of the territories for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that territory and who is, or was immediately before that visit, a resident of the other territory shall be exempt from tax in the first-mentioned territory on any remuneration for such teaching.

ARTICLE 19.

(1) A student or business apprentice, who is, or was immediately before visiting one of the territories, a resident of the other territory and is present in the first-mentioned territory solely for the purpose of his education or training shall not be taxed in that first-mentioned territory on payments which he receives for the purpose of his maintenance, education, or training provided that such payments are made to him from sources outside that first-mentioned territory.

(2) An individual who is, or was immediately before visiting one of the territories, a resident of the other territory, and who is present in the first-mentioned territory as a recipient of a grant, allowance or award for the primary purpose of research to be carried out in a period which does not exceed two years from a governmental, religious, charitable, scientific, literary or educational organization established in that other territory, shall not be taxed in that first-mentioned territory in respect of that grant, allowance or award.

ARTICLE 20.

(1) Any alimony or other maintenance payment received from a resident of one of the territories by a resident of the other territory who is subject to tax there in respect thereof shall be taxable only in that other territory.

(2) The term "maintenance payment" means a payment made pursuant to an order of a competent tribunal or to a written separation agreement by one of the parties to a marriage (including a marriage which has been dissolved or annulled)—

- (a) to or for the benefit of the other party to that marriage or children of the marriage; or
- (b) to any person for the benefit of, or for the maintenance or education of, a person under twenty-one years of age.

ARTICLE 21.

(1) Subject to the provisions of the law of the United Kingdom regarding the allowance as a credit against United Kingdom tax of tax payable in a territory outside the United Kingdom (which shall not affect the general principle hereof)—

- (a) Canadian tax payable under the laws of Canada and in accordance with this Agreement, whether directly or by deduction, on profits, income or chargeable gains from sources within Canada, (excluding in the case of a dividend, tax payable in respect of the profits out of which the dividend is paid) shall be allowed as a credit against any United Kingdom tax computed by reference to the same profits, income or chargeable gains by reference to which the Canadian tax is computed; and

- (b) in the case of a dividend paid by a company which is a resident of Canada to a company which is resident in the United Kingdom and which controls directly or indirectly at least 10 per cent. of the voting power in the Canadian company, the credit shall take into account (in addition to any Canadian tax creditable under (a)) the Canadian tax payable by the company in respect of the profits out of which such dividend is paid.

Provided that sub-paragraph (b) of this paragraph shall apply only for so long as Canada gives a deduction in computing taxable income for dividends received from a company which is a resident of the United Kingdom in which the recipient Canadian company owns more than 25 per cent. of the voting shares.

(2) Subject to the provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada (which shall not affect the general principle hereof), United Kingdom tax payable in respect of income from sources within the United Kingdom shall be deducted from any Canadian tax payable in respect of that income. Where such income is a dividend paid before 6 April, 1966, by a company which is a resident of the United Kingdom, the deduction shall take into account any United Kingdom income tax appropriate to the dividend.

(3) For the purposes of this Article profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated in international traffic by a resident of one of the territories shall be deemed to be performed in that territory.

ARTICLE 22.

(1) The nationals of one of the territories shall not be subjected in the other territory to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which the nationals of the latter territory in the same circumstances are or may be subjected.

(2) The taxation on a permanent establishment which an enterprise of one of the territories has in the other territory shall not be less favourably levied in that other territory than the taxation levied on enterprises of that other territory carrying on the same activities.

(3) Nothing in this Article shall be construed—

- (a) as obliging either of the Contracting Governments to grant to individuals not resident in its territory those personal allowances and reliefs for tax purposes which are by law available only to individuals who are so resident;
- (b) as restricting the right of either Contracting Government to tax in accordance with paragraphs (1) or (3) of Article 9 dividends derived by a resident of the other territory;

- (c) as preventing the Government of one of the territories from imposing on the profits attributable to a permanent establishment in that territory of a company which is a resident of the other territory, tax in addition to the tax which would be chargeable on those profits if they were the profits of a company which was a resident of the territory of that Government, provided that any additional tax so imposed shall not be at a rate exceeding 15 per cent. of the amount of those profits after deducting therefrom all other taxes chargeable on income or profits in that territory.

(4) In this Article the term "taxation" means taxes which are the subject of this Agreement.

ARTICLE 23.

In determining for the purpose of United Kingdom tax whether a company is a close company, the term "recognised stock exchange" shall include any stock exchange prescribed for the purposes of the Canadian Income Tax Act.

ARTICLE 24.

(1) Where a taxpayer considers that the action of the taxation authorities of the Contracting Government has resulted or will result in taxation contrary to the provisions of this Agreement, he shall be entitled to present his case to the Government of the territory of or in which he is a national or resident. Should the taxpayer's claim be deemed worthy of consideration, the taxation authorities of the Government to which the claim is made shall endeavour to come to an agreement with the taxation authorities of the other Government with a view to a satisfactory adjustment.

(2) The taxation authorities of the Contracting Governments may communicate with each other directly to implement the provisions of this Agreement and to assure its consistent interpretation and application. In particular, the taxation authorities may consult together to endeavour to resolve disputes arising out of the application of paragraph (3) of Article 6 or Article 8 or the determination of the source of particular items of income.

ARTICLE 25.

The taxation authorities of the Contracting Governments shall exchange such information (being information which is at their disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of this Agreement or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Agreement. Any information so exchanged shall be treated

as secret and shall not be disclosed to persons other than persons (including a court or administrative tribunal) concerned with the assessment, collection, enforcement or prosecution in respect of the taxes which are the subject of this Agreement. No information as aforesaid shall be exchanged which would disclose any trade, business, industrial or professional secret or trade process.

ARTICLE 26.

(1) This Agreement may be extended, either in its entirety or with modifications to any territory for whose international relations either of the Contracting Governments is responsible, and which imposes taxes substantially similar in character to those which are the subject of this Agreement, and any such extension shall take effect from such date and subject to such modifications and conditions (including conditions as to termination) as may be specified and agreed between the Contracting Governments in Letters to be exchanged for this purpose.

(2) The termination of this Agreement under Article 28 shall, unless otherwise expressly agreed by both Contracting Governments, terminate the application of this Agreement to any territory to which it has been extended under this Article.

ARTICLE 27.

(1) This Agreement shall come into force on the date when the last of all such things shall have been done in the United Kingdom and Canada as are necessary to give the Agreement the force of law in the United Kingdom and Canada respectively, and shall thereupon have effect—

(a) in the United Kingdom—

- (i) in respect of income tax for any year of assessment beginning on or after 6 April, 1965;
- (ii) in respect of surtax, for any year of assessment beginning on or after 6 April, 1964;
- (iii) in respect of profits tax, for any chargeable accounting period beginning on or after 1 January, 1965 and for the unexpired portion of any chargeable accounting period current at that date;
- (iv) in respect of capital gains tax for any year of assessment beginning on or after 6 April, 1965; and
- (v) in respect of corporation tax for any financial year beginning on or after 1 April, 1964;

(b) in Canada—

- (i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after 1 January, 1965;
- (ii) in respect of other Canadian tax, for the 1965 taxation year and subsequent years.

(2) The Contracting Governments shall, as soon as possible, inform one another in writing of the date when the last of all such things shall have been done as are necessary to give the Agreement the force of law in the United Kingdom and Canada respectively. The date specified by the last Government to fulfil this requirement, being the date on which the Agreement shall come into force in accordance with paragraph (1), shall be confirmed in writing by the Government so notified.

(3) The Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Canada signed at Ottawa on 6 December, 1965 shall not have effect in relation to any tax for any period for which this Agreement has effect as respects that tax.

(4) Where, however, any greater relief from tax would have been afforded by any provision of the Agreement signed at Ottawa on 6 December, 1965 than is due under this Agreement, any such provision as aforesaid shall continue to have effect—

- (a) in the United Kingdom for any year of assessment, chargeable accounting period or financial year;
- (b) in Canada for any taxation year;

beginning before the entry into force of this Agreement.

ARTICLE 28.

This Agreement shall continue in effect indefinitely but either of the Contracting Governments may, on or before the thirtieth day of June in any calendar year after the year 1967 give notice of termination to the other Contracting Government and, in such event this Agreement shall cease to be effective—

(a) in the United Kingdom—

- (i) in respect of income tax (including surtax) and capital gains tax for any year of assessment beginning on or after 6 April, in the calendar year next following that in which the notice is given;
- (ii) in respect of corporation tax for any financial year beginning on or after 1 April, in the calendar year next following that in which the notice is given;

(b) in Canada—

- (i) in respect of tax withheld at the source on amounts paid or credited to non-residents on or after 1 January in the calendar year next following that in which the notice is given; and
- (ii) in respect of other Canadian tax for any taxation year ending in or after the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

DONE at Ottawa, this twelfth day of December, one thousand nine hundred and sixty-six, in two copies in the English and French languages, both versions being equally authentic.

MITCHELL W. SHARP

FOR THE GOVERNMENT OF CANADA

H. LINTOTT

FOR THE GOVERNMENT OF THE UNITED KING-
DOM OF GREAT BRITAIN AND NORTHERN
IRELAND

SCHEDULE V.

SUPPLEMENTARY CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA FURTHER MODIFYING AND SUPPLEMENTING THE CONVENTION AND ACCOMPANYING PROTOCOL OF MARCH 4, 1942, FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION IN THE CASE OF INCOME TAXES AS MODIFIED BY THE SUPPLEMENTARY CONVENTION OF JUNE 12, 1950, AND THE SUPPLEMENTARY CONVENTION OF AUGUST 8, 1956.

The Government of Canada and the Government of the United States of America, desiring to further modify and supplement in certain respects the Convention and accompanying Protocol for the avoidance of double taxation and the prevention of fiscal evasion in the case of income taxes signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956, have decided to conclude a Supplementary Convention for that purpose and have agreed as follows:

ARTICLE I.

The provisions of the Convention and Protocol between Canada and the United States of America, signed at Washington on March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956, are hereby further modified by adding to Article XI thereof the following new paragraph:

"6. Paragraph 1 of this Article shall not apply in respect of income derived from sources in one of the Contracting States and paid to a corporation organized under the laws of the other Contracting State if such corporation is not subject to tax by the last-mentioned Contracting State on that income because it is not a resident of the last-mentioned Contracting State for purposes of its income tax."

ARTICLE II.

1. This Supplementary Convention is done in the English and French languages, each version being equally authentic. It shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

2. This Supplementary Convention shall come into force on the date on which instruments of ratification are exchanged and shall thereupon have effect with respect to income paid on or after (a) January 1, 1967, or (b) the date on which the instruments of ratification

are exchanged, whichever is the later. It shall continue in force indefinitely as though it were an integral part of the Convention of March 4, 1942, as modified by the Supplementary Convention of June 12, 1950, and the Supplementary Convention of August 8, 1956.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Supplementary Convention.

DONE in duplicate, in the English and French languages, at Washington this 25th day of October, 1966.

FOR THE GOVERNMENT OF CANADA—

A. E. RITCHIE.

FOR THE GOVERNMENT OF THE UNITED STATES
OF AMERICA—

NICHOLAS DE B. KATZENBACH

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 76

An Act to amend the Judges Act.

[Assented to 1st March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 159;
1952-53, c. 4;
1953-54, c. 58;
1955, c. 48;
1956, c. 8;
1957, c. 30;
1958, c. 33;
1959, c. 28;
1960, cc. 46,
47;
1960-61,
c. 38;
1962, c. 22;
1963, c. 8;
1964-65,
cc. 14, 36;
1966-67, c. 8.

1. (1) Sections 4 to 7 of the *Judges Act* are repealed and the following substituted therefor:

"4. The salaries of the judges of the Supreme Court of Canada are as follows:

	Per annum
(a) The Chief Justice of Canada.....	\$40,000.00
(b) Eight puisne judges, each.....	35,000.00

Salaries of
judges of
Supreme
Court of
Canada.

5. The salaries of the judges of the Exchequer Court of Canada are as follows:

	Per annum
(a) The President of the Exchequer Court of Canada.....	\$32,000.00
(b) Six puisne judges, each.....	28,000.00

Salaries of
judges of
Exchequer
Court.

6. The salaries of the District judges in Admiralty of the Exchequer Court, as such judges, are as follows:

	Per annum
The District Judge of the Admiralty District of Quebec.....	\$ 1,500.00
The District Judge of the Admiralty District of Nova Scotia.....	1,000.00
The District Judge of the Admiralty District of New Brunswick.....	1,000.00
The District Judge of the Admiralty District of Prince Edward Island....	800.00

Salaries of
District
judges in
Admiralty
of Exchequer
Court.

The District Judge of the Admiralty District of British Columbia.....	1,500.00
The District Judge of the Ontario Admiralty District.....	1,500.00
Three District Judges of the Admiralty District of Newfoundland, each.....	333.33

Salaries of judges of Supreme Court of Ontario.

7. The salaries of the judges of the Supreme Court of Ontario are as follows:

	Per annum
(a) The Chief Justice of Ontario.....	\$30,000.00
(b) Nine Justices of Appeal, each.....	26,000.00
(c) The Chief Justice of The High Court	30,000.00
(d) Twenty-four other judges of The High Court, each.....	26,000.00”

(2) Sections 9 to 20 of the said Act are repealed and the following substituted therefor:

Salaries of judges of Court of Queen’s Bench and of Superior Court of Quebec.

“9. The salaries of the judges of the Court of Queen’s Bench and of the Superior Court in and for the Province of Quebec are as follows:

	Per annum
(a) The Chief Justice of Quebec.....	\$30,000.00
(b) Eleven puisne judges of the Court of Queen’s Bench, each.....	26,000.00
(c) The Chief Justice of the Superior Court.....	30,000.00
(d) The Associate Chief Justice.....	30,000.00
(e) Seventy-three puisne judges of the Superior Court, each.....	26,000.00

Salaries of judges of Supreme Court of Nova Scotia.

10. The salaries of the judges of the Supreme Court of Nova Scotia are as follows:

	Per annum
(a) The Chief Justice of Nova Scotia..	\$30,000.00
(b) Two other judges of the Appeal Division, each.....	26,000.00
(c) The Chief Justice of the Trial Division.....	30,000.00
(d) Five other judges of the Trial Division, each.....	26,000.00

Salaries of judges of Supreme Court of New Brunswick.

11. The salaries of the judges of the Supreme Court of New Brunswick are as follows:

	Per annum
(a) The Chief Justice of New Brunswick	\$30,000.00
(b) Three other judges of the Appeal Division, each.....	26,000.00

- (c) The Chief Justice of the Queen's Bench Division..... 30,000.00
- (d) Five other judges of the Queen's Bench Division, each..... 26,000.00

12. The salaries of the judges of the Court of Appeal for Manitoba and of Her Majesty's Court of Queen's Bench for Manitoba are as follows:

- Per annum
- (a) The Chief Justice of Manitoba.....\$30,000.00
- (b) Four Judges of Appeal, each..... 26,000.00
- (c) The Chief Justice of the Court of Queen's Bench..... 30,000.00
- (d) Seven puisne judges of the Court of Queen's Bench, each..... 26,000.00

Salaries of judges of Court of Appeal and Court of Queen's Bench for Manitoba.

13. The salaries of the judges of the Court of Appeal for British Columbia and of the Supreme Court of British Columbia are as follows:

- Per annum
- (a) The Chief Justice of British Columbia.....\$30,000.00
- (b) Eight Justices of Appeal, each..... 26,000.00
- (c) The Chief Justice of the Supreme Court..... 30,000.00
- (d) Fourteen Judges of the Supreme Court, each..... 26,000.00

Salaries of judges of Court of Appeal and Supreme Court of British Columbia.

14. The salaries of the judges of the Supreme Court of Judicature of Prince Edward Island are as follows:

- Per annum
- (a) The Chief Justice of the Court.....\$30,000.00
- (b) One judge of the Court, being also Master of the Rolls of the Court of Chancery..... 26,000.00
- (c) One judge of the Court, being also Vice-Chancellor..... 26,000.00
- (d) One other judge of the Court..... 26,000.00

Salaries of judges of Supreme Court of Prince Edward Island.

15. The salaries of the judges of the Court of Appeal for Saskatchewan and of Her Majesty's Court of Queen's Bench for Saskatchewan are as follows:

- Per annum
- (a) The Chief Justice of Saskatchewan.....\$30,000.00
- (b) Four Judges of Appeal, each..... 26,000.00
- (c) The Chief Justice of the Court of Queen's Bench..... 30,000.00

Salaries of judges of Court of Appeal and Queen's Bench for Saskatchewan.

- (d) Seven other judges of the Court of Queen's Bench, each..... 26,000.00

Salaries of judges of Supreme Court of Alberta.

16. The salaries of the judges of the Supreme Court of Alberta are as follows:

- | | |
|---|-------------|
| | Per annum |
| (a) The Chief Justice of Alberta..... | \$30,000.00 |
| (b) Six Justices of Appeal, each..... | 26,000.00 |
| (c) The Chief Justice of the Trial Division..... | 30,000.00 |
| (d) Eight Justices of the Supreme Court of Alberta, each..... | 26,000.00 |

Salaries of judges of Supreme Court of Newfoundland.

17. The salaries of the judges of the Supreme Court of Newfoundland are as follows:

- | | |
|-----------------------------|-------------|
| | Per annum |
| (a) The Chief Justice..... | \$30,000.00 |
| (b) Three other Judges..... | 26,000.00 |

Salary of judge of Territorial Court of Yukon Territory.
Northwest Territories.

18. (1) The salary of the judge of the Territorial Court of the Yukon Territory is \$26,000.00 per annum.

(2) The salary of the judge of the Territorial Court of the Northwest Territories is \$26,000.00 per annum.

Salaries of judges of county and district courts.

19. The salaries of the judges of the county and district courts are as follows:

Per annum

Ontario.

- (a) One chief judge and eighty-two judges and junior judges of the County and District Courts, each..\$19,000.00

Nova Scotia.

- (b) Seven County Court judges, each.. 19,000.00

New Brunswick.

- (c) Six County Court judges, each..... 19,000.00

Manitoba.

- (d) Ten judges and junior judges of the County Courts, each..... 19,000.00

British Columbia.

- (e) Eighteen judges and junior judges of the County Courts, each..... 19,000.00

Prince Edward Island.

(f) Three County Court judges, each... 19,000.00

Saskatchewan.

(g) Eighteen District Court judges, each 19,000.00

Alberta.

(h) Fourteen chief judges and judges of
the District Courts, each..... 19,000.00

Newfoundland.

(i) Five District Court judges, each... 19,000.00

20. (1) There shall be paid to every judge who is in receipt of a salary under this Act, other than a judge of the Territorial Court of the Yukon Territory or the Northwest Territories, an additional salary of \$2,000.00 per annum as compensation for any extra-judicial services that he may be called upon to perform by the Government of Canada or the government of a province, and for the incidental expenditures that the fit and proper execution of his office as judge may require.

Additional salary.

(2) Subsection (1) does not apply to

Exceptions.

- (a) a judge who receives from a province any annual or other periodic compensation as judge of a superior or county court, or
- (b) a District judge in Admiralty of the Exchequer Court who is not in receipt of a salary under this Act except as such judge.

(3) There shall be paid to every judge of the Territorial Court of the Yukon Territory or the Northwest Territories an additional salary of \$2,000.00 per annum by way of a northern allowance and as compensation for incidental expenditures as described in subsection (1).

Territorial courts.

(4) This section shall come into force on the 1st day of June, 1967."

Commencement.

(3) Sections 4 to 7 and sections 9 to 19 of the said Act as enacted by this section shall be deemed to have come into force on the 1st day of March, 1967.

Coming into force.

2. Section 21 of the said Act is repealed and the following substituted therefor:

"**21.** (1) Subject as in this section provided, a judge of a superior or county court or a District Judge in Admiralty of the Exchequer Court who for the purpose of performing any function or duty as such

Travelling allowance.

judge attends at any place other than that at which or in the immediate vicinity of which he is by law obliged to reside is entitled to be paid, as a travelling allowance,

- (a) his moving or transportation expenses; and
- (b) reasonable travelling and other expenses incurred by him in so attending.

Where no allowance.

(2) No judge is entitled to be paid travelling allowance for attending at or in the immediate vicinity of the place where he resides.

Idem.

(3) No judge of a county court is entitled to be paid travelling allowance for attending at the county town of the county within which he resides or at the judicial centre or district town of the judicial district or circuit to which he is appointed or assigned.

Idem.

(4) No judge of a county court is entitled to be paid travelling allowance for attending at a place not within the county or on the circuit to which he is appointed or assigned unless the holding of such court is approved by the Attorney General of the province and it appears to the satisfaction of the Minister of Justice that the attendance was duly authorized and necessary.

Idem.

(5) No travelling allowance shall be paid,

Nova Scotia.

(a) to a judge of the Supreme Court of Nova Scotia for attending at the City of Halifax;

New Brunswick.

(b) to a judge of the Supreme Court of New Brunswick for attending at either one of the Cities of Fredericton or Saint John unless he resides at the other of the said Cities or in the immediate vicinity thereof or unless he is a judge who under the authority of the laws of the province resides at the City of Moncton or in the immediate vicinity thereof;

Prince Edward Island.

(c) to a judge of the Supreme Court of Judicature of Prince Edward Island for attending at the City of Charlottetown;

Manitoba.

(d) to a judge of the Court of Appeal for Manitoba or of Her Majesty's Court of Queen's Bench for Manitoba for attending at the City of Winnipeg;

Saskatchewan.

(e) to a judge of the Court of Appeal for Saskatchewan or of Her Majesty's Court of Queen's Bench for Saskatchewan for attending at the City of Regina;

Alberta.

(f) to a judge of the Supreme Court of Alberta for attending at either one of the Cities of Edmonton or Calgary unless he resides at the

other of the said Cities or in the immediate vicinity thereof; or

- (g) to a judge of the Court of Appeal for British Columbia or of the Supreme Court of British Columbia for attending at either one of the Cities of Victoria or Vancouver unless he resides at the other of the said Cities or in the immediate vicinity thereof.

British
Columbia.

(6) Nothing in subsection (5) affects the right of a judge to be paid travelling allowance under subsection (1) if he resides at a place approved by the Governor in Council.

Where place
of residence
approved by
Order in
Council.

(7) A judge who is appointed or assigned to a district or circuit for the exercise of his ordinary jurisdiction therein, and required by law at the time of his appointment to reside within that district or on that circuit, is not entitled to be paid travelling allowance incurred or made necessary by reason of his residing at any place outside of the district or circuit to which he is so appointed or assigned, unless his residence at that place is approved by the Governor in Council.

No
travelling
allowance
from outside
to within
assigned
district or
circuit.

(8) No judge of a district court in Ontario is entitled to be paid any travelling allowance under subsection (1) for attending at a place within the district for which he was appointed but every such judge is entitled to be paid a travelling allowance of five hundred dollars per annum for such attendance.

Ontario
district
court
judges.

(9) Every application for payment of travelling allowance shall be accompanied by a certificate of the judge applying for it showing the number of days for which travelling allowance is claimed and the amount of the actual expenses incurred."

Certificate
of judge.

3. Section 26 of the said Act is repealed and the following substituted therefor:

"**26.** A judge of a county court who has attained the age of seventy-five years shall be compulsorily retired."

Compulsory
retirement of
county court
judge.

4. The said Act is further amended by adding thereto, immediately after section 29 thereof, the following sections:

"**30.** For the purposes of the provisions of this Act respecting annuities, there shall be included in the salary of which a judge was in receipt under this Act

Additional
salary
included.

at any time after the coming into force of section 20, the amount of any additional salary provided for by that section whether or not at that time such additional salary was being paid to him.

Regulations
re payment
of inheritance
taxes, etc.

30A. The Governor in Council may make regulations providing for the payment out of the Consolidated Revenue Fund, upon the grant of an annuity under this Act to the widow of a judge or a retired judge, of the whole or any part of such portion of any estate, legacy, succession or inheritance duties or taxes that are payable by the widow with respect to the annuity, as is determined in accordance with the regulations to be attributable to that annuity, and prescribing the amount by which and the manner in which any such annuity in any such case shall be reduced."

5. Subsections (1) and (2) of section 38 of the said Act are repealed and the following substituted therefor:

Acting as
commis-
sioner, etc.

"38. (1) No judge shall act as commissioner, arbitrator, adjudicator, referee, conciliator or mediator on any commission or on any inquiry or other proceeding unless

- (a) in the case of any matter within the legislative authority of Parliament, the judge is by an Act of the Parliament of Canada expressly authorized so to act or he is thereunto appointed or so authorized by the Governor in Council; or
- (b) in the case of any matter within the legislative authority of the legislature of a province, the judge is by an Act of the legislature of the province expressly authorized so to act or he is thereunto appointed or so authorized by the Lieutenant-Governor in Council of the province."

6. (1) Section 39 of the said Act is repealed and the following substituted therefor:

No extra
remuneration.

"39. (1) Except as provided in subsection (3), no judge shall accept any salary, fee, remuneration or other emolument or any expenses or allowances for acting in any capacity described in subsection (1) of section 38 or as administrator or deputy of the Governor General or for performing any duty or service, whether judicial or executive, that he may be required to perform for or on behalf of the Government of Canada or the government of a province.

(2) Subsection (1) does not affect the right of any judge to receive remuneration under the provisions of any statute of Canada or of a province in force on the 1st day of July, 1920. Exception.

(3) A judge acting in any capacity described in subsection (1) of section 38 as authorized by that section, or acting as administrator or deputy of the Governor General or performing any other duty or service he is required to perform for or on behalf of the Government of Canada or the government of a province, may receive his moving or transportation expenses and reasonable travelling and other expenses incurred by him away from his ordinary place of residence while acting in such capacity or in the performance of such duty or service, in the same amount and under the same conditions as if he were performing a function or duty as such judge, if such expenses are paid Expenses excepted.

- (a) in respect of any matter within the legislative authority of Parliament, by the Government of Canada; and
- (b) in respect of any matter within the legislative authority of the legislature of a province, by the government of the province."

(2) This section does not apply in any case where a judge was appointed commissioner, arbitrator, adjudicator, referee, conciliator or mediator before the coming into force of this section.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 77

An Act to provide relief in certain cases against loss or hardship suffered as a result of interruptions of normal postal services.

[Assented to 1st March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Postal Services Interruption Relief Act*. Short title.

2. Where, as a result of the interruption of normal postal services which occurred between the 22nd day of July and the 7th day of August, 1965 or any subsequent interruption of normal postal services in Canada of more than forty-eight hours' duration however caused, a person has suffered loss or hardship by reason of his failure to comply with any time requirement or period of limitation contained in any law of Canada, he may, on fourteen days' notice in writing to the Deputy Attorney General of Canada and to any other person who he has reason to believe may be affected by any order made pursuant to section 3 as a result of an application by him under this section, apply to a judge of the Exchequer Court of Canada for relief. Application for relief to judge.

3. If the judge to whom an application under section 2 is made is satisfied Making of order.

(a) that the applicant has suffered loss or hardship as a result of any interruption described in that section,

(b) that the applicant took such reasonable steps as were open to him to comply with the time requirement or period of limitation without avail, and

- (c) that the application was made without undue delay,
 he may, after affording to any person who may be affected by any order made pursuant to this section as a result of the application an opportunity to be heard on the application or to make representations in connection therewith, and subject to such conditions, if any, as to him seem just,
- (d) make an order waiving the time requirement or period of limitation in relation to the applicant and fixing such other time requirement or period of limitation in relation thereto as in his opinion the circumstances warrant, and
- (e) make such further order as, in his opinion, is necessary to permit the applicant effectively to do any thing or exercise any right that he would have been able to do or exercise if he had not failed to comply with the time requirement or period of limitation, including, where the time requirement or period of limitation with which the applicant failed to comply relates to the commencement or carrying on of any proceeding authorized or provided for under any law of Canada, such order as he considers necessary to enable the proceeding to be commenced and continued or to be carried on as though the applicant had not failed to comply with that time requirement or period of limitation.

Directions
as to
notice.

4. (1) Where the judge to whom an application under section 2 is made is of the opinion that public notice of the hearing of the application should be given in order that it may be brought to the attention of any person who may be affected by any order made pursuant to section 3 as a result of the application, he may, at any time before disposing of the application, direct the applicant to give public notice of the hearing in such form and manner as the judge deems fit.

Idem.

(2) Where pursuant to subsection (1) a judge has directed that public notice of the hearing of an application be given, the judge may from time to time thereafter give such further directions as he considers necessary or desirable in order that any person to whose attention the notice is intended to be brought may be afforded an opportunity to be heard on the application or to make representations in connection therewith.

5. Where in respect of any application under section 2, any matter or thing is authorized or required by this Act to be done or proceeded with by or before a judge of the Exchequer Court of Canada, the matter or thing may be done or proceeded with by or before any other judge of the Court as though the application were an application to the Court.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 78

An Act to provide for the establishment of a Canadian Film Development Corporation.

[Assented to 10th March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canadian Film Development Corporation Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | | |
|-----|--|---|
| (a) | "Canadian feature film" and "Canadian feature film production" have the meanings assigned by subsection (2) of section 10; | Definitions.
"Canadian feature film" and "Canadian feature film production". |
| (b) | "Corporation" means the Canadian Film Development Corporation established by section 3; | "Corporation." |
| (c) | "film activity" means any activity in relation to the production, distribution, projection or exhibition of films; | "Film activity." |
| (d) | "film-maker" means a person creatively engaged in film production; | "Film-maker." |
| (e) | "film production" means the creative, artistic and technical process of producing a film; | "Film production." |
| (f) | "film technician" means a person engaged in the technical or administrative aspects of film production; and | "Film technician." |
| (g) | "Minister" means the Secretary of State of Canada. | "Minister." |

CANADIAN FILM DEVELOPMENT CORPORATION.

Corporation established. **3.** A corporation is hereby established to be known as the Canadian Film Development Corporation, consisting of six members to be appointed by the Governor in Council as provided in section 4 and the person holding office from time to time as Government Film Commissioner.

Appointment of members. **4.** (1) Each of the members of the Corporation to be appointed as provided in this section shall be appointed to hold office for a term of five years, except that of those first appointed three shall be appointed for a term of three years and three shall be appointed for a term of five years.

Chairman. (2) The Governor in Council shall designate one of the members of the Corporation to serve as chairman of the Corporation during pleasure who may receive a yearly honorarium to be determined by the Governor in Council.

Eligibility for re-appointment. (3) A retiring member of the Corporation is eligible for re-appointment.

Vacancy. (4) When a member ceases to be a member before the end of the term for which he was appointed, the Governor in Council shall appoint a person to be a member for the remainder of that term.

Eligibility of members. **5.** No person is eligible to be appointed or to hold office as a member of the Corporation who has, directly or indirectly and individually or as a shareholder, partner or otherwise, any pecuniary interest in commercial film activity.

Remuneration and expenses. **6.** Each member of the Corporation, other than the Government Film Commissioner or other member of the public service of Canada, may be paid such remuneration for each day he attends any meeting of the Corporation as may be fixed by by-law of the Corporation, and each member of the Corporation is entitled to be paid reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties under this Act.

Quorum. **7.** A majority of the members of the Corporation constitutes a quorum for the transaction of the business of the Corporation.

Vacancies. **8.** A vacancy in the membership of the Corporation does not impair the right of the remainder to act.

9. The Corporation may designate one of its members to be vice-chairman of the Corporation who shall, in the event of the absence or incapacity of the chairman or if the office of chairman is vacant, act as chairman. Vice-chairman.

OBJECTS AND POWERS.

10. (1) The objects of the Corporation are to foster and promote the development of a feature film industry in Canada, and without limiting the generality of the foregoing, the Corporation may, in furtherance of its objects, Objects.

- (a) invest in individual Canadian feature film productions in return for a share in the proceeds from any such production;
- (b) make loans to producers of individual Canadian feature film productions and charge interest thereon;
- (c) make awards for outstanding accomplishments in the production of Canadian feature films;
- (d) make grants to film-makers and film technicians resident in Canada to assist them in improving their craft; and
- (e) advise and assist the producers of Canadian feature films in the distribution of such films and in the administrative functions of feature film production.

(2) For the purposes of this Act, a "Canadian feature film" or "Canadian feature film production" is a feature film or feature film production in respect of which the Corporation has determined Significant Canadian content.

- (a) that the completed film will, in the judgment of the Corporation, have a significant Canadian creative, artistic and technical content, and that arrangements have been made to ensure that the copyright in the completed film will be beneficially owned by an individual resident in Canada, by a corporation incorporated under the laws of Canada or a province or by any combination of such persons; or
- (b) that provision has been made for the production of the film under a co-production agreement entered into between Canada and another country.

(3) The Corporation shall not be regarded as a partner in any film production in which it may invest and its liability shall be limited to the amount of its investment in the production. Corporation not a partner.

Consultation
and co-
operation.

(4) The Corporation shall, to the greatest possible extent consistent with the performance of its duties under this Act, consult and co-operate with departments, branches and agencies of the Government of Canada and of the governments of the provinces having duties related to, or having aims or objects related to those of the Corporation.

ORGANIZATION.

Meetings.

11. The members of the Corporation shall meet at such times and places as they deem necessary but shall meet at least six times a year.

Executive
director and
secretary.

12. (1) The Governor in Council may on the recommendation of the Corporation appoint an executive director of the Corporation and a secretary of the Corporation who shall hold office during pleasure and shall be paid such salaries as are fixed by the Governor in Council.

Direction
and work of
staff.

(2) The executive director is the chief executive officer of the Corporation and has supervision over and direction of the work and staff of the Corporation, and the executive director may attend the meetings of the Corporation.

By-laws.

13. The Corporation may, subject to the approval of the Minister, make by-laws for the regulation of its proceedings and generally for the conduct and management of its activities.

Advisory
Group.

14. The Minister may, on the recommendation of the Corporation, appoint an Advisory Group broadly representative of the professional associations, exhibitors, distributors and unions in the Canadian film industry and including other qualified persons, to advise the Corporation on matters which the Minister or the Corporation may refer to it.

Staff and
special
advisers.

15. The Corporation may employ such officers and employees and such technical and professional advisers as it considers necessary for the proper conduct of its activities at such remuneration and upon such other terms and conditions as it deems fit.

Application of
*Public Service
Superannua-
tion Act.*

16. The *Public Service Superannuation Act* does not apply to the members of the Corporation as such.

Corporation
agent of Her
Majesty.

17. (1) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) The Corporation may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Corporation. Contracts.

(3) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation. Property.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Corporation in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty. Proceedings.

FINANCIAL.

18. (1) There is hereby appropriated for the purposes of this Act the sum of ten million dollars to be paid out of the Consolidated Revenue Fund from time to time as required pursuant to this Act. Appropriation.

(2) There shall be established in the Consolidated Revenue Fund a special account to be known as the Canadian Film Development Advance Account. Canadian Film Development Advance Account.

(3) All amounts required for the purposes of paragraphs (a) and (b) of subsection (1) of section 10 shall be paid Amounts to be charged to Account.

(a) out of the amount appropriated by subsection (1), or

(b) out of amounts credited to the Account under subsection (4),

and shall be charged to the Canadian Film Development Advance Account.

(4) All amounts received by the Corporation as or on account of proceeds from any production in which the Corporation has invested under paragraph (a) of subsection (1) of section 10 or as or on account of the principal amount of or interest on any loan made by it under paragraph (b) of subsection (1) of that section, shall be paid by the Corporation to the Receiver General of Canada to be deposited in the Consolidated Revenue Fund and credited to the Canadian Film Development Advance Account. Amounts to be credited to Account.

(5) All amounts required

(a) for the purposes of paragraphs (c), (d) and (e) of subsection (1) of section 10, and Other expenses.

(b) for the payment of salaries and other expenses, including expenses of administration, under this Act,

shall be paid out of the amount appropriated by subsection (1) and shall be charged to budgetary expenditures.

AUDIT.

Audit.

19. The accounts and financial transactions of the Corporation shall be audited annually by the Auditor General, and a report of the audit shall be made to the Corporation and to the Minister.

REPORT TO PARLIAMENT.

Report.

20. The chairman of the Corporation shall, within three months after the termination of each fiscal year, transmit to the Minister a statement in such form as the Minister may prescribe relating to the activities of the Corporation for that fiscal year, including the financial statements of the Corporation and the Auditor General's report thereon, and the Minister shall cause such statement to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 79

An Act to amend the Excise Tax Act
and the Old Age Security Act.

[Assented to 10th March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

EXCISE TAX ACT.

1. (1) All that portion of subsection (1) of section 30 of the *Excise Tax Act* preceding paragraph (a) thereof is repealed and the following substituted therefor:

“30. (1) There shall be imposed, levied and collected a consumption or sales tax of nine per cent on the sale price of all goods”

(2) Paragraphs (c) and (d) of subsection (4) of section 30 of the said Act are repealed and the following substituted therefor:

“(c) if within five years of such purchase or importation the article is applied by the purchaser or importer to any use (other than of a casual nature) for which it could not originally have been purchased or imported by the purchaser or importer exempt from tax under this Part, the purchaser or importer shall be deemed to have sold the article at the time of its application to that use and there shall be imposed, levied and collected a consumption or sales tax of nine per cent on the value of the article at the time of its application to that use, payable by the purchaser or importer at that time; and

R.S., cc. 100,
320;
1952-53, c. 35;
1953-54, c. 56;
1955, c. 53;
1956, c. 37;
1957, c. 26;
1957-58, c. 14;
1958, c. 30;
1959, c. 23;
1960, c. 30;
1960-61, c. 47;
1962-63, c. 6;
1963, c. 12;
1966-67, c. 40.

Consumption
or sales
tax.

1962-63, c. 6,
s. 2.

- (d) if within five years of such purchase or importation the article is sold or leased by the purchaser or importer to any person other than a licenced wholesaler, the purchaser or importer shall be deemed to have sold the article at the time of its sale or lease to such person and there shall be imposed, levied and collected a consumption or sales tax of nine per cent on the value of the article at the time of its sale or lease to such person, payable by the purchaser or importer at that time."

1966-67,
c. 40, s. 4.

2. Subsection (3) of section 32 of the said Act is repealed and the following substituted therefor:

Articles
progressively
exempted.

"(3) There shall be imposed, levied and collected only three-ninths of the tax imposed by section 30 on the sale or importation of the articles enumerated in Schedule V, and with respect to any such articles delivered to the purchaser or imported or taken out of warehouse for consumption after March 31, 1968, the tax imposed by section 30 shall not apply.

Articles
partially
exempted.

(3a) There shall be imposed, levied and collected only eight-ninths of the tax imposed by section 30 on the sale or importation of the articles enumerated in Schedule VI."

3. The said Act is further amended by adding thereto the following Schedule:

"SCHEDULE VI.

PART I.

BUILDING MATERIALS.

1. Bricks; building tile; building blocks curved or shaped; and building stone.
2. Cast iron soil pipe and cast iron fittings therefor.
3. Chimneys for buildings, not including fireplaces; chimney caps.
4. Creosote oil and other wood preservatives when for use exclusively in the treatment of timber, poles or lumber.
5. Doors for buildings and door and window screens; locks, not including padlocks; latch sets, lock sets and parts thereof; hinges, not including checking floor hinges.

6. Drainage, waste and vent copper tubing from two inches to six inches in diameter, with a wall thickness from .040 to .083 of an inch, for non-pressure applications, and fittings therefor.

7. Floor tile, hard surface composition yardage flooring for permanent bonding to floors and underlay therefor; materials to be incorporated in terrazzo flooring.

8. Glass for buildings.

9. Hard surface plastic laminated building materials.

10. Lumber; sash; shingles; lath; siding; stairways; cornice, frieze, pilasters and other units or members of wood milled for use as structural or architectural building components, not including assembled or unassembled cabinets, counters, cupboards, furniture, ironing boards, work benches and similar installations.

11. Material for waterproofing and moisture-proofing buildings.

12. Paints; varnishes; white lead and paint oil.

13. Plaster; lime; cement and additives for concrete; prepared dry concrete mixes.

14. Plaster boards, fibreboard, wall panels, building paper, wallpaper and materials, manufactured wholly or in part of vegetable or mineral substances, for ceilings, walls, building insulation or acoustical purposes.

15. Precast concrete piles.

16. Prepared roofings for buildings; tar and asphalt for roofing.

17. Septic tanks and grease traps therefor.

18. Shower baths, bathtubs, basins, faucets, closets, lavatories, urinals, sinks and rims therefor and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings.

19. Skylights.

20. Structural metal for buildings.

21. Ventilators and louvres, not motor operated.

PART II.

HEATING EQUIPMENT.

1. Ash handling and fuel handling equipment for use with furnaces for the heating of buildings, when connected directly to such furnaces and installed in the same building as such furnaces.

2. Blowers for use in warm air systems for the heating of buildings.

3. Circulating pumps for use in forced hot water heating systems for the heating of buildings.

4. Ducts for warm air, ventilating and air conditioning systems for buildings.

5. Electric heating equipment, designed for use on a system using two hundred volts or greater, for permanent installation as part of an electric heating system for buildings, but not including electric wiring or other materials leading to or connecting such equipment to the electric power supply.

6. Fuel tanks for use with furnaces for the heating of buildings and connected directly to such furnaces.

7. Furnaces, stokers, oil or gas burners, hot water and steam radiators not including fittings, for the heating of buildings.

8. Room thermostats for use with permanent heating systems for the heating of buildings."

4. (1) Subsection (1) of section 30 of the said Act as amended by section 1 of this Act shall be deemed to have come into force on January 1, 1967, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

(2) Subsection (4) of section 30 of the said Act as amended by section 1 of this Act shall be deemed to have come into force on January 1, 1967.

(3) Subsection (3) of section 32 of the said Act as enacted by section 2 of this Act applies to articles enumerated in Schedule V to the said Act that are,

(a) in the case of goods manufactured in Canada, delivered to the purchaser, and

(b) in the case of goods imported into Canada, imported or taken out of warehouse for consumption,

after March 31, 1967, and in its application to any such goods so delivered to the purchaser or imported or taken out of warehouse for consumption after 1966 but before April 1, 1967, subsection (1) of section 30 of the said Act shall be read as it was before being amended by section 1 of this Act.

(4) Subsection (3a) of section 32 of the said Act as enacted by section 2 of this Act applies to articles enumerated in Schedule VI to the said Act that are,

(a) in the case of goods manufactured in Canada, delivered to the purchaser, and

(b) in the case of goods imported into Canada,
imported or taken out of warehouse for con-
sumption,
after 1966.

R.S., c. 200;
1957-58, c. 3;
1959, c. 14;
1960, c. 34;
1962, c. 5;
1963, c. 16;
1964-65, c. 51;
1966-67, c. 65.

OLD AGE SECURITY ACT.

5. (1) Subsection (3) of section 22 of the *Old Age Security Act* is repealed and the following substituted therefor:

1963, c. 16,
s. 2(1);
1966-67, c. 65,
s. 4(4).

“(3) Every individual liable to pay tax under Part I of the *Income Tax Act* for a taxation year shall pay an Old Age Security tax for the year equal to the lesser of

Tax
payable by
individuals.

- (a) four per cent of the taxpayer's taxable income for the year; or
- (b) two hundred and forty dollars.”

(2) This section is applicable to the 1967 and subsequent taxation years.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 80

An Act to amend the Fund for Rural Economic
Development Act.

[Assented to 10th March, 1967.]

HER Majesty, by and with the advice and consent of the 1966-67, c. 41.
Senate and House of Commons of Canada, enacts as
follows:

1. Subsection (3) of section 3 of the *Fund for
Rural Economic Development Act* is repealed and the fol-
lowing substituted therefor:

“(3) The amounts that may be paid by the Minister Limitation.
of Finance pursuant to subsection (2) shall not exceed
in the aggregate three hundred million dollars.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 81

An Act to provide for the payment of a retiring annuity to the Governor General of Canada.

[Assented to 10th March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Governor General's Retiring Annuity Act*. Short title.

2. (1) Where at any time after the coming into force of this Act a Governor General of Canada ceases to hold office as such, there shall be paid to him an annuity equal to one-third of the salary annexed to the office of Governor General at the time he so ceases to hold office. Annuity.

(2) An annuity payable under this section shall commence on the day the annuitant ceases to hold the office of Governor General and shall continue thereafter during his natural life. Duration of annuity.

3. (1) Where a person who is in receipt of an annuity under section 1 dies, there shall be paid to his widow, if she was his wife at the time he ceased to hold the office of Governor General, an annuity equal to one-half of the annuity that was being paid to her husband. Annuity to widow.

(2) Where a Governor General dies while holding office as such, there shall be paid to his widow an annuity equal to one-sixth of the salary annexed to the office of Governor General at the time of his death. Idem.

(3) An annuity payable to a widow under this section shall commence immediately after the death of her husband and shall continue thereafter during her natural life. Duration of annuity to widow.

Former
Governors
General.

4. (1) There shall be paid to a person who before the coming into force of this Act ceased to hold the office of Governor General of Canada, an annuity equal to one-third of the salary annexed to the office of Governor General at the time of the coming into force of this Act.

Widows of
former
Governors
General.

(2) There shall be paid to the widow of a person who before the coming into force of this Act ceased to hold the office of Governor General of Canada and died, if she was his wife at the time he ceased to hold such office, an annuity equal to one-sixth of the salary annexed to the office of Governor General at the time of the coming into force of this Act.

Idem.

(3) Subsections (1) and (3) of section 3 apply in the case of the death of a person who at the time of his death is in receipt of an annuity under subsection (1) of this section.

Duration of
annuities.

(4) An annuity payable under subsection (1) or (2) of this section shall commence on the day this Act comes into force and shall continue thereafter during the natural life of the annuitant.

Payment of
annuities.

5. An annuity payable under this Act shall be paid out of the Consolidated Revenue Fund by monthly instalments, and for any period less than a month shall be paid *pro rata*.

Payment not
affected by
other
benefits.

6. The payment of an annuity under this Act shall not affect or be affected by the payment of any pension, annuity or other benefit under any other Act of the Parliament of Canada.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 82

An Act to provide general incentives to industry for the expansion of scientific research and development in Canada and to effect certain related amendments to the Income Tax Act.

[Assented to 10th March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Industrial Research and Development Incentives Act*. Short title.

INTERPRETATION.

- 2.** (1) In this Act,
- | | |
|---|---|
| (a) "applicant" means a corporation that has applied for a grant; | Definitions.
"Applicant." |
| (b) "application" means an application for a grant; | "Application." |
| (c) "approved" means approved by the Minister; | "Approved." |
| (d) "average of eligible current expenditures" by a corporation in its base period means an amount calculated in accordance with section 7; | "Average of eligible current expenditures." |
| (e) "base period" of a corporation has the meaning assigned by section 6; | "Base period." |
| (f) "corporation" means a corporation incorporated in and carrying on business in Canada, other than a corporation that is exempt from tax under Part I of the <i>Income Tax Act</i> by section 62 of that Act; | "Corporation." |
| (g) "eligible current expenditures" by a corporation in a fiscal period means an amount calculated in accordance with section 5; | "Eligible current expenditures." |

- "Fiscal period." (h) "fiscal period" in respect of a corporation has the same meaning as in the *Income Tax Act*;
- "Grant." (i) "grant" means a scientific research and development grant under this Act;
- "Grant period." (j) "grant period" means the fiscal period of an applicant in respect of which an application is made;
- "Minister." (k) "Minister" means the Minister of Industry; and
- "Regulation." (l) "regulation" means a regulation made by the Governor in Council pursuant to section 14.
- Associated corporations. (2) For the purposes of this Act, two or more corporations shall be deemed to be or to have been associated with each other in a fiscal period if, for the purpose of section 39 of the *Income Tax Act*, the corporations are or were, as the case may be, associated with each other in that period.
- Other expressions. (3) A reference in this Act
- (a) to a fiscal period or a grant period ending in a calendar year, means the fiscal period or the grant period, as the case may be, ending in or coinciding with that year;
- (b) to a fiscal period ending in a grant period, means a fiscal period coinciding with that grant period or the fiscal period ending first in the same calendar year as that grant period; and
- (c) to expenditures on or for scientific research and development, includes only expenditures incurred for and wholly attributable to the prosecution of or the provision of facilities for the prosecution of scientific research and development in Canada and such other expenditures attributable to the prosecution of or the provision of facilities for the prosecution of scientific research and development in Canada as may be prescribed by regulation.

SCIENTIFIC RESEARCH AND DEVELOPMENT GRANTS.

- Scientific research and development grant authorized. **3.** (1) Upon application therefor to the Minister by a corporation that has made expenditures on scientific research and development in a fiscal period of the corporation, the Minister may, subject to this Act and the regulations, authorize the payment to the corporation of a scientific research and development grant in respect of those expenditures.
- Research and development likely to benefit Canada. (2) No expenditure by a corporation in respect of scientific research and development shall be taken into account for the purposes of any provision of this Act unless the Minister, on the basis of such information as is sub-

mitted to him pursuant to this Act and such other information as he considers relevant, is satisfied that the scientific research and development in respect of which the expenditure was made is likely to result in benefit to Canada if it is successful, and, where the Minister is not so satisfied,

- (a) no amount paid to the corporation in respect of such scientific research and development, and
- (b) no property acquired by the corporation for the purposes of such scientific research and development,

shall be taken into account for the purposes of any provision of this Act.

- (3) An application under subsection (1) Application.
- (a) shall be made within
 - (i) the six months next following the end of the applicant's grant period,
 - (ii) where the applicant was associated in its grant period with another corporation, the six months next following the end of the fiscal period of the other corporation ending in the grant period,
 - (iii) where the applicant was associated in its grant period with two or more other corporations, the six months next following the end of the last of the associated corporations' fiscal periods ending in the grant period, or
 - (iv) the six months next following the day on which this Act comes into force, whichever period ends last;
- (b) shall contain such information as is specified by a regulation made under paragraph (c) of section 14 and as may be prescribed by the Minister; and
- (c) shall be in such form and be certified in such manner as may be prescribed by the Minister.

(4) If the Minister is satisfied that circumstances not reasonably within the control of a corporation justify an extension of the period fixed by paragraph (a) of subsection (3) within which an application by the corporation shall be made, he may extend the period, either before or after the expiration thereof. Extension of time.

CALCULATION OF GRANT.

4. (1) A grant authorized by the Minister to be paid to an applicant, other than an applicant referred to in Amount of grant.

subsection (2), shall be an amount equal to 25% of the aggregate of

- (a) the capital expenditures by the applicant in its grant period on scientific research and development related to the business and directly undertaken by or on behalf of the applicant; and
- (b) the amount by which the eligible current expenditures by the applicant in its grant period exceeds the average of eligible current expenditures by the applicant in its base period.

Associated
corporations.

(2) Where an applicant was associated with one or more other corporations in the applicant's grant period, a grant authorized by the Minister to be paid to the applicant shall be an amount equal to 25% of the aggregate of

- (a) the capital expenditures by the applicant in its grant period on scientific research and development related to the business and directly undertaken by or on behalf of the applicant; and
- (b) where
 - (i) the eligible current expenditures by the applicant in its grant period exceed the average of eligible current expenditures by the applicant in its base period (the amount of which excess is hereinafter referred to as "the applicant's increase"), and
 - (ii) the aggregate of
 - (A) the eligible current expenditures by the applicant in its grant period, and
 - (B) the total of the eligible current expenditures by each of the corporations associated with the applicant in its grant period, in the fiscal periods of the associated corporations ending in the grant period, exceeds the aggregate of
 - (C) the average of eligible current expenditures by the applicant in its base period, and
 - (D) the total of the averages of eligible current expenditures by each of the corporations whose eligible current expenditures are required to be included for the purposes of clause (B), in the base periods of those corporations

(the amount of which excess is hereinafter referred to as "the association's increase"), that proportion of the association's increase that the applicant's increase is of the aggregate of

(iii) the applicant's increase, and

(iv) where the eligible current expenditures by any corporation associated with the applicant in its grant period, in the fiscal period of the associated corporation ending in the grant period, exceed the average of eligible current expenditures by the associated corporation in its base period, the total of the amounts of such excesses for each of the corporations associated with the applicant in its grant period.

(3) Notwithstanding subsection (1) or (2), where an applicant was associated in any fiscal period included in its base period with a corporation Where associated in base period only.

(a) with which the applicant was not associated in its grant period, and

(b) in respect of which all or substantially all the business that was carried on by that corporation in its last fiscal period before such association ended was acquired in any manner whatever by

(i) the applicant,

(ii) one or more corporations associated with the applicant in the applicant's grant period, or

(iii) by the applicant and one or more corporations described in subparagraph (ii),

an amount equal to one-fifth of the eligible current expenditures by that corporation in any of its fiscal periods ending in any such fiscal period of the applicant in which the applicant and that corporation were associated shall be added,

(c) for the purposes of paragraph (b) of subsection (1), to the average of eligible current expenditures by the applicant in its base period, or

(d) for the purposes of subparagraph (ii) of paragraph (b) of subsection (2), to the aggregate of the amounts determined pursuant to clauses (C) and (D) of that subparagraph,

whichever is applicable.

(4) No capital expenditure in respect of

(a) land upon which movable or immovable property is or may be situated,

Expenditures not included.

- (b) any property that is acquired by the applicant in its grant period and that
 - (i) is sold or otherwise disposed of by the applicant,
 - (ii) ceases to be used by the applicant for the purposes of scientific research and development, or
 - (iii) is lost or destroyed in the grant period, or
 - (c) the replacement or repair of lost, damaged or destroyed property, other than property to which paragraph (b) applies, where an amount has been paid or is payable under a policy of insurance in respect of the loss, damage or destruction and no amount has become payable by the applicant to Her Majesty by virtue of section 10 in respect thereof,
- shall be included for the purposes of this section, and no expenditure
- (d) that in the opinion of the Minister is not reasonable in the circumstances, or
 - (e) that is made wholly or mainly to acquire rights in or arising out of scientific research,
- shall be included for the purposes of this section or section 5.

DETERMINATION OF ELIGIBLE CURRENT EXPENDITURES.

Eligible
current
expenditures.

5. (1) The eligible current expenditures by a corporation in a fiscal period of the corporation is an amount equal to

- (a) the aggregate of the current expenditures in Canada by the corporation in the fiscal period
 - (i) on scientific research and development related to the business and directly undertaken by or on behalf of the corporation,
 - (ii) by way of payments
 - (A) to an approved association, university, college, research institute or other similar institution,
 - (B) to a company incorporated in and resident in Canada and exempt from tax under Part I of the *Income Tax Act* by paragraph (gc) of subsection (1) of section 62 of that Act, or
 - (C) to another corporation, for scientific research and development related to the class of business of the corporation, and

- (iii) by way of repayments to Her Majesty of or on account of amounts paid to the corporation under an *Appropriation Act* and on terms and conditions approved by Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry,

minus the aggregate of

- (b) any amount paid to the corporation in the fiscal period in respect of scientific research and development, other than an amount paid as a grant under this Act;
- (c) subject to any regulation made under paragraph (e) of section 14, where property acquired by the corporation for the purposes of scientific research and development, and in respect of the acquisition of which a current expenditure was made by the corporation,
 - (i) is sold or otherwise disposed of by the corporation,
 - (ii) ceases to be used by the corporation for the purposes of scientific research and development, or
 - (iii) is lost or destroyed,
 in the fiscal period, an amount prescribed by regulation; and
- (d) subject to any regulation made under paragraph (f) of section 14, where the corporation in the fiscal period sells or otherwise disposes of goods or services in the production or performance of which property acquired by the corporation for the purposes of scientific research and development is utilized, an amount prescribed by regulation.

(2) Notwithstanding subsection (1), where, in Idem.
determining the eligible current expenditures by a corporation in a fiscal period in accordance with subsection (1), the aggregate of all amounts described in paragraphs (b) to (d) of that subsection exceeds the aggregate of the current expenditures described in paragraph (a) thereof,

- (a) the eligible current expenditures by the corporation in that fiscal period shall be deemed to be zero; and
- (b) where the eligible current expenditures by the corporation in that fiscal period are required to be included for the purposes of clause (B) of subparagraph (ii) of paragraph (b) of subsection (2) of section 4, the total referred to in the said

clause (B) shall be reduced by the amount of such excess.

Scientific research and development related to a business.

(3) References in this section to scientific research and development relating to a business or class of business include any scientific research and development that may lead to or facilitate an extension of that business or business of that class.

BASE PERIOD.

Base period.

6. (1) Subject to this section, the base period
- (a) of an applicant is the five fiscal periods of the applicant immediately preceding its grant period; and
 - (b) of a corporation associated with the applicant in its grant period is the five fiscal periods of the associated corporation immediately preceding its fiscal period ending in the grant period.
- (2) Where any of the five fiscal periods
- (a) of an applicant, or
 - (b) of a corporation associated with the applicant in its grant period,

Base period fiscal periods less than 365.

referred to in subsection (1) is less than 365 days, the base period of the applicant or the associated corporation, as the case may be, is the minimum number of consecutive fiscal periods thereof, immediately preceding the grant period or the fiscal period ending in the grant period, as the case may be, necessary to comprise at least 1,826 days.

Deemed to have fiscal periods.

(3) Where the applicant or a corporation associated with the applicant in its grant period has had no fiscal periods or an insufficient number of fiscal periods to constitute a base period within the meaning of subsection (1) or (2) the applicant or that corporation, as the case may be, shall be deemed to have had a number of added fiscal periods sufficient to constitute a base period within the meaning of subsection (1) or (2), but the eligible current expenditures of the applicant or that corporation, as the case may be, in any such added fiscal period shall be deemed to be zero.

DETERMINATION OF AVERAGE OF ELIGIBLE CURRENT EXPENDITURES IN BASE PERIOD.

Average of eligible current expenditures.

7. (1) Subject to this section, the average of eligible current expenditures by a corporation in its base period is an amount equal to one-fifth of the aggregate of the eligible current expenditures by the corporation in the fiscal periods of the corporation included in its base period.

(2) Where the total number of days in the base period of a corporation is greater than 1,827, the amount determined under subsection (1) shall be reduced by an amount equal to one-fifth of that proportion of the eligible current expenditures by the corporation in the earliest fiscal period of the corporation included in its base period that the number of days in its base period in excess of 1,827 is of 365.

Amount
subtracted.

(3) Where an applicant's grant period or, in the case of a corporation associated with the applicant in its grant period, the fiscal period of such corporation ending in the grant period is less than 365 days, the average of eligible current expenditures, calculated in accordance with subsections (1) and (2), by the applicant or the associated corporation, as the case may be, shall be reduced by that proportion thereof that the number of days by which the grant period or the fiscal period, as the case may be, is less than 365 days is of 365 days.

Grant period
or fiscal
period less
than 365 days.

PAYMENT OF GRANTS.

8. (1) Subject to subsection (2), an amount authorized by the Minister to be paid to an applicant as a grant shall be paid to the applicant by the Minister of Finance out of the Consolidated Revenue Fund.

Payment out
of Consoli-
dated
Revenue
Fund.

(2) Where an applicant, in the manner prescribed by the Minister, requests the Minister to credit towards the payment of income tax all or any part of any amount authorized to be paid to the applicant as a grant, that amount or that part thereof shall, on the requisition of the Minister and in lieu of the payment thereof to the applicant as provided under subsection (1), be paid to the Receiver General by the Minister of Finance as a payment on account of income tax that is or may become payable by the applicant under the *Income Tax Act*.

Payment on
account of
tax liability

TAX PROVISIONS.

9. (1) An amount authorized to be paid to an applicant as a grant is exempt from income tax.

Grant exempt
from income
tax.

(2) Paragraph (h) of subsection (6) of section 20 of the *Income Tax Act* does not apply in respect of a grant authorized to be paid under this Act.

Grant does
not reduce
capital cost
for tax
purposes.

RECOVERY OF GRANT.

10. (1) Subject to subsection (2), where a grant has been authorized to be paid to a corporation in respect of a

Recovery of
grant by
Crown in
certain cir-
cumstances.

capital expenditure made in respect of the acquisition of property that

(a) is sold or otherwise disposed of by the corporation,
 (b) is lost, damaged (by other than normal wear and tear) or destroyed, or
 (c) ceases to be used by the corporation for the purposes of scientific research and development within a period described in one of the following paragraphs that is applicable to that property, the amount specified in that paragraph immediately becomes payable by the corporation to Her Majesty, namely:

(d) within one year from the end of the fiscal period in which the property was acquired, an amount equal to 100% of the grant or grants authorized to be paid to the corporation in respect of all capital expenditures made by the corporation in respect of the acquisition of the property;
 (e) in the case of equipment, after the termination of the year referred to in paragraph (d) but within five years from the end of the fiscal period in which it was acquired, an amount equal to

(i) the amount described in paragraph (d), minus

(ii) one-fifth of that amount for each full year or portion of a year that has elapsed since the end of the year referred to in paragraph (d); and

(f) in the case of property other than equipment, after the termination of the year referred to in paragraph (d) but within ten years from the end of the fiscal period in which it was acquired, an amount equal to

(i) the amount described in paragraph (d), minus

(ii) one-tenth of that amount for each full year or portion of a year that has elapsed since the end of the year referred to in paragraph (d).

Idem.

(2) Where the property described in subsection (1) is property that was lost, damaged (by other than normal wear and tear) or destroyed, no amount becomes payable to Her Majesty by virtue of subsection (1) unless an amount payable under a policy of insurance in respect of the loss, damage or destruction has not, within one year from the end of the fiscal period in which the property was lost, damaged or destroyed or such further period as the Minister may in writing allow, been expended on replacing or re-

pairing the property and, in that case, an amount determined in accordance with subsection (1) becomes payable to Her Majesty immediately upon the termination of that year or any further period allowed in writing by the Minister.

(3) Every amount

- (a) that becomes payable by a corporation by virtue of this section, or
- (b) that has been paid or credited to a corporation as or on account of a grant, and to which the corporation is not entitled,

Manner of recovery of amounts owing.

may be recovered at any time as a debt due to Her Majesty or may be retained, in whole or in part, by the Minister of Finance out of any grant subsequently authorized to be paid to the corporation.

GENERAL.

11. (1) Notwithstanding any provision of the *Income Tax Act*, the Minister of National Revenue or any person designated by him for the purpose may, upon the request of the Minister, advise the Minister

Minister of National Revenue may give advice.

- (a) whether an applicant is or was associated in its grant period or in its base period with any other corporation;
- (b) whether any particular expenditure of a corporation is a capital or current expenditure;
- (c) as to the duration of any fiscal period of a corporation; and
- (d) whether a corporation is exempt from tax under Part I of the *Income Tax Act* by section 62 or any provision of section 62 of that Act;

and may give the Minister such information as is necessary for the purposes of any regulation made under paragraph (h) of section 14.

(2) Any advice or information that may be given to the Minister pursuant to subsection (1) may be given to any officer or employee employed by Her Majesty in connection with the administration or enforcement of this Act who is designated by the Minister for the purpose.

Advice may be given to designated employee.

12. The Minister may

- (a) obtain the advice of any agency or department of the Government of Canada carrying on activities in the field of scientific research and development on whether any particular activity constitutes scientific research and development;
- (b) obtain the advice of the Department of Trade and Commerce on whether any particular

Minister may obtain and give advice.

scientific research and development is likely to result in benefit to Canada if it is successful; and

- (c) advise the Minister of National Revenue as to whether a corporation has been authorized to be paid a grant in respect of expenditures on scientific research and development in a fiscal period.

Information privileged.

13. All information with respect to a corporation obtained by an officer or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer or employee shall knowingly, except as may be necessary for the purposes of sections 11 and 12 or in respect of proceedings relating to the administration or enforcement of this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any such person to inspect or have access to any application or other writing containing any such information.

REGULATIONS.

Regulations.

14. The Governor in Council may make regulations providing for any matters concerning which he deems regulations are necessary to carry out the purposes and provisions of this Act and, without limiting the generality of the foregoing, may make regulations

- (a) prescribing or defining anything that by this Act is to be prescribed or defined by regulation;
- (b) defining the expressions "capital expenditure", "current expenditure", "equipment" and "scientific research and development";
- (c) specifying information that shall be provided by a corporation for the purposes of subsection (2) of section 3;
- (d) prescribing factors that shall or shall not be taken into account by the Minister in deciding whether an expenditure was made in respect of scientific research and development that is likely to result in benefit to Canada if it is successful and the conclusions or inferences, if any, to be drawn from any particular factor;
- (e) prescribing circumstances in which no amount need be subtracted pursuant to paragraph (c) of subsection (1) of section 5 where property described in that paragraph is sold or otherwise disposed of, ceases to be used for the purposes of scientific research and development or is lost or destroyed;

- (f) prescribing circumstances in which no amount need be subtracted pursuant to paragraph (d) of subsection (1) of section 5 upon the sale or other disposition of goods or services described in that paragraph;
- (g) prescribing the amounts that shall be subtracted pursuant to paragraph (c) or (d) of subsection (1) of section 5;
- (h) prescribing, notwithstanding section 5, the circumstances and manner in which information submitted to the Minister of National Revenue for the purposes of section 72 or 72A of the *Income Tax Act* may or shall be used in determining the eligible current expenditures of a corporation;
- (i) prescribing the books and records to be kept by any corporation that has applied for or received a grant and by any corporation associated with such corporation;
- (j) providing for the examination, audit and copying of the books, records and property of any corporation that has applied for or received a grant and of any corporation associated with such corporation;
- (k) providing for the disclosure to the Minister by a corporation by which an amount has become payable to Her Majesty by virtue of section 10 of such information as may be necessary for the enforcement of that section;
- (l) specifying, either generally or in respect of a particular provision of this Act, the circumstances in which property shall be deemed to be or not to be acquired for the purposes of scientific research and development;
- (m) specifying, either generally or in respect of a particular provision of this Act, the circumstances in which a corporation shall be deemed to cease or not to cease using property for the purposes of scientific research and development; and
- (n) either generally or in respect of a particular provision of this Act, respecting the day on which any property in respect of the acquisition of which a capital or current expenditure has been made by a corporation shall be deemed to have been acquired by the corporation.

OFFENCES.

Offences.

- 15.** (1) Every person who,
- (a) in respect of an application for a grant, knowingly makes a false or misleading statement in or fails to disclose a material particular in any application or other document or wilfully furnishes any false or misleading information is guilty of
 - (i) an indictable offence and liable to imprisonment for a term not exceeding two years, or
 - (ii) an offence and liable on summary conviction to a fine not exceeding \$5,000;
 - (b) contravenes or fails to comply with any regulation made under paragraph (i) or (j) of section 14 is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000; and
 - (c) fails to comply with a regulation made under paragraph (k) of section 14 is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 for each day of default and not exceeding in all \$5,000.

Idem.

(2) Every officer or employee of Her Majesty who contravenes section 13 is guilty of an offence punishable on summary conviction.

Institution of prosecution.

(3) A prosecution by way of summary conviction for an offence under subsection (1) may be instituted at any time within five years from the time when the subject matter of the complaint arose.

APPLICATION OF ACT.

Application of Act.

16. This Act is applicable to expenditures on scientific research and development in any fiscal period of a corporation ending in the calendar year 1966 or any subsequent calendar year.

ANNUAL REPORT.

Annual report to Parliament.

17. The Minister shall as soon as possible after the end of each fiscal year prepare a report on the administration of this Act during that fiscal year and shall cause such report to be laid before Parliament forthwith upon the completion thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

AMENDMENTS TO INCOME TAX ACT.

18. (1) Subsection (2) of section 72 of the *Income Tax Act* is repealed and the following substituted therefor:

“(2) The Minister may obtain the advice of the Department of Industry, the National Research Council, the Defence Research Board or any other agency or department of the Government of Canada carrying on activities in the field of scientific research as to whether any particular activity constitutes scientific research.”

Minister
may obtain
advice.

(2) Paragraph (a) of subsection (4) of section 72 of the said Act is repealed and the following substituted therefor:

“(a) “approved” means approved by the Minister after he has, if he considers it necessary, obtained the advice of the Department of Industry or the National Research Council,”

(3) Subsections (1) and (2) are applicable to the 1966 and subsequent taxation years.

19. (1) Section 72A of the said Act is amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

“(4a) Notwithstanding subsection (4), where property described in subsection (4) has been disposed of by a corporation in a taxation year, the amount that the corporation is required by that subsection to include in computing its income for that year shall be reduced by one-fifth of that amount for that year and each previous taxation year of the corporation ending after its 1967 taxation year.”

Idem.

(2) Section 72A of the said Act is further amended by adding thereto the following subsection:

“(7) Where a grant has been authorized to be paid to a corporation under the *Industrial Research and Development Incentives Act* in respect of expenditures on scientific research and development (as defined for the purposes of that Act) in a taxation year, the corporation is not, and shall be deemed never to have been, entitled to make any deduction under this section in computing its income for that year.”

No deduction
under this
section.

(3) Subsection (1) is applicable to the 1968 and subsequent taxation years and subsection (2) is applicable to the 1966 and subsequent taxation years.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967.

14-15-16 ELIZABETH II.

CHAP. 83

An Act to amend the Small Businesses Loans Act.

[Assented to 10th March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1960-61, c. 5;
1962 c. 19;
1963, c. 30.

1. (1) Paragraph (c) of section 2 of the *Small Businesses Loans Act* is amended by striking out the word "or" at the end of subparagraph (iii) thereof and by adding thereto, immediately after subparagraph (iv) thereof, the following subparagraphs:

"(v) construction,
(vi) transportation, or
(vii) communications,"

(2) Subparagraphs (iii) and (iv) of paragraph (d) of section 2 of the said Act are repealed and the following substituted therefor:

"(iii) the renovation, improvement or modernization of premises or the purchase, construction, alteration or extension of premises;"

(3) Paragraph (m) of section 2 of the said Act is repealed and the following substituted therefor:

"(m) "small business enterprise" means a business enterprise the estimated gross revenue of which as stated in an application for a business improvement loan did not, for the fiscal period of the business enterprise in which the application was made, exceed \$500,000."

"Small
business
enterprise."

2. (1) Subparagraph (ii) of paragraph (b) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

“(ii) the estimated gross revenue of the business enterprise in respect of which the loan was to be expended did not, for the fiscal period of the business enterprise in which the application was made, exceed \$500,000;”

1963, c. 30,
s. 1.

(2) Subsection (2) of section 3 of the said Act is repealed and the following substituted therefor:

Time after
which
Minister not
liable.

“(2) The Minister is not liable under this Act to make any payment to a bank in respect of a guaranteed business improvement loan made after the 31st day of December, 1969.”

1963, c. 30,
s. 2.

3. Subsection (2) of section 5 of the said Act is amended by striking out the word “and” at the end of paragraph (a) thereof, by adding the word “and” at the end of paragraph (b) thereof and by adding thereto the following paragraph:

“(c) the period commencing on the 1st day of January, 1967 and ending on the 31st day of December, 1969.”

1963, c. 30,
s. 2.

4. Section 6 of the said Act is amended by striking out the word “or” at the end of paragraph (a) thereof, by adding the word “or” at the end of paragraph (b) thereof and by adding thereto the following paragraph:

“(c) made during the period referred to in paragraph (c) of subsection (2) of section 5, after the aggregate principal amount of the guaranteed business improvement loans made by all banks during the period exceeds \$300,000,000.”

5. Paragraph (b) of section 7 of the said Act is amended by striking out the word “and” at the end of subparagraph (iv) thereof and adding thereto the following subparagraphs:

“(vi) “construction”,
(vii) “transportation”, and
(viii) “communications”;

6. This Act shall be deemed to have come into force on the 31st day of December, 1966.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 84

An Act to provide for the revision of certain salaries
fixed by statute.

[Assented to 10th March, 1967.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

1. This Act may be cited as the *Statutory Salaries Revision Act, 1967*. Short title.
2. In this Act,
 - (a) "listed enactment" means a provision of an Act of the Parliament of Canada specified in the Schedule to this Act; and Interpretation.
"Listed enactment."
 - (b) "public official" means the holder of an office or position in relation to whom a minimum salary is authorized to be fixed pursuant to any listed enactment as amended by this Act. "Public official."
3. Each listed enactment is amended in the manner and to the extent specified in the Schedule to this Act. Listed enactments amended.
4. Notwithstanding anything in any listed enactment as amended by this Act, the authority conferred by any such enactment to fix the salary of a public official does not include authority Limitation on authority to fix salaries.
 - (a) to reduce the salary of a public official as fixed from time to time pursuant to that enactment; or
 - (b) in the case of a public official who is a member of a board or commission but does not hold any office or position established or provided for by Parliament in or with such board or commission except that of a member thereof, to

fix a salary for such member that is greater or less than the salary fixed for any other such member of the same board or commission.

Coming into **5.** This Act shall be deemed to have come into
force. force on the 1st day of December, 1965.

SCHEDULE.

PART I.

Act Affected	Amendment
<i>Canada Grain Act</i>	Section 4 is repealed and the following substituted therefor:
Salaries.	"4. The commissioners shall be paid such salaries as are fixed by the Governor in Council but the salary of the chief commissioner shall be not less than twenty thousand, five hundred and twenty dollars per annum and the salary of each of the other commissioners shall be not less than eighteen thousand, three hundred and sixty dollars per annum."
<i>Income Tax Act</i>	Subsection (7) of section 86 is repealed and the following substituted therefor:
Salaries.	"(7) The members shall be paid such salaries as are fixed by the Governor in Council but the salary of the Chairman shall be not less than \$23,760 a year; the salary of the Assistant Chairman shall be not less than \$20,520 a year and the salary of each of the other members shall be not less than \$19,440 a year."
<i>International Boundary Waters Treaty Act</i>	Subsection (1) of section 6 is repealed and the following substituted therefor:
Salaries of Canadian Commissioners.	"6. (1) The members of the Canadian section of the Commission shall be paid such salaries as are fixed by the Governor in Council but the salary of the Chairman shall be not less than twenty-one thousand, six hundred dollars per annum and the salary of each of the other members shall be not less than twelve thousand, nine hundred and sixty dollars per annum."
<i>National Energy Board Act</i>	Subsection (1) of section 4 is repealed and the following substituted therefor:
Salaries.	"4. (1) The members shall be paid such salaries as are fixed by the Governor in Council, but the salary of the Chairman shall be not less than twenty-four thousand, eight hundred and forty dollars per annum; the salary of the Vice-Chairman shall be not less than twenty-two thousand, six hundred and eighty dollars per annum; and

SCHEDULE—Continued

Act Affected	Amendment
	the salary of each of the other members shall be not less than twenty thousand, five hundred and twenty dollars per annum."
<i>Railway Act</i>	Subsection (1) of section 26 is repealed and the following substituted therefor: "26. (1) The Commissioners shall be paid such salaries as are fixed by the Governor in Council, but the salary of the Chief Commissioner shall be not less than twenty-five thousand dollars per annum; the salary of the Assistant Chief Commissioner shall be not less than twenty-one thousand, six hundred dollars per annum; the salary of the Deputy Chief Commissioner shall be not less than twenty thousand, five hundred and twenty dollars per annum; and the salary of each of the other Commissioners shall be not less than nineteen thousand, four hundred and forty dollars per annum."
Transport Commissioners' salaries.	
<i>Tariff Board Act</i>	Section 8 is repealed and the following substituted therefor: "8. The members of the Board shall be paid such salaries as are fixed by the Governor in Council, but the Chairman shall be paid not less than twenty-three thousand, seven hundred and sixty dollars per annum; the first Vice-Chairman shall be paid not less than twenty-one thousand, six hundred dollars per annum; the second Vice-Chairman shall be paid not less than twenty thousand, five hundred and twenty dollars per annum; and each of the other members shall be paid not less than nineteen thousand, four hundred and forty dollars per annum."
Salaries of Tariff Board members.	
<i>Canada Elections Act</i>	Subsection (1) of section 4 is repealed and the following substituted therefor: "4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of
Rank, powers, salary and tenure of office of Chief Electoral Officer.	

SCHEDULE—*Concluded*

PART II.

Act Affected	Amendment
	the duties of his office and be paid a salary of twenty-two thousand, six hundred and eighty dollars per annum; he is eligible as a contributor under and entitled to all the benefits of the <i>Public Service Superannuation Act</i> but until he attains the age of sixty five years when he shall cease to hold office he shall be removable only for cause by the Governor General on address of the Senate and House of Commons."
<i>Financial Administration Act</i>	Subsection (2) of section 65 is repealed and the following substituted therefor:
Salary.	"(2) The Auditor General shall out of the Consolidated Revenue Fund be paid a salary of thirty thousand dollars per annum."
<i>Representation Commissioner Act</i>	Subsection (2) of section 5 is repealed and the following substituted therefor:
Salary.	"(2) The Commissioner shall be paid a salary of twenty-seven thousand dollars per annum."
<i>Appropriation Act No. 4, 1964</i>	The Schedule is amended by substituting for the expression "\$23,000" in Trade and Commerce Vote 17e thereof, the expression "\$24,840".

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 85

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1967.

[Assented to 23rd March, 1967.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, the Honourable Robert Taschereau, P.C., Administrator of the Government of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1967, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 2, 1967.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole three hundred and twenty-four million, nine hundred and eighty-three thousand and five hundred and seventy-eight dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1966, to the 31st day of March, 1967, not otherwise provided for, and being the total of the amounts of the items set forth in the Supplementary Estimates (G) for the fiscal year ending the 31st day of March, 1967, as contained in the Schedule to this Act. \$324,983,578
granted for
1966-67.

Purpose and
effect of
each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of the items in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1966.

Commit-
ments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Appropriation
charged.

5. At any time prior to the date on which the Public Accounts for a fiscal year are tabled in Parliament, an appropriation granted by this or any other Act may be charged after the end of the fiscal year for which the appropriation is granted for the purpose of making adjustments in the accounts of Canada for the said fiscal year that do not require payments from the Consolidated Revenue Fund.

Account to
be rendered.
R.S., c. 116.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in Accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Supplementary Estimates (G), 1966-67. The amount hereby granted is \$324,983,578, being the total of the amounts of the items in the Estimates as contained in this Schedule.

Sums granted to Her Majesty, by this Act for the financial year ending 31st March, 1967, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING		
	Administration		
17g	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	94,387,000	
	Animal and Animal Products		
20g	Administration, Operation and Maintenance.....	223,600	
	Plant and Plant Products		
35g	Grants, Contributions and Subsidies as detailed in the Estimates	1	
	HEALTH OF ANIMALS		
40g	Administration, Operation and Maintenance.....	136,000	
45g	Grants, Contributions and Subsidies as detailed in the Estimates	1	
	CANADIAN DAIRY COMMISSION		
65g	Administration, Operation and Maintenance.....	49,000	
	FARM CREDIT CORPORATION		
90g	Estimated amount required to provide for the operating loss of the Farm Credit Corporation for the fiscal year ending March 31, 1967.....	2,600,000	
			97,395,602
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
1g	Administration Expenses of the Atomic Energy Control Board	2,214	
	ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM)		
10g	Current Operation and Maintenance, including expendable research equipment.....	1,000,000	
			1,002,214

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	CANADIAN BROADCASTING CORPORATION		
1g	Grant in respect of the net operating amount required to discharge the responsibilities of the national broadcasting service.....		800,000
	CHIEF ELECTORAL OFFICER		
1g	Salaries and Expenses of Office.....		2,060
	DEFENCE PRODUCTION		
	A—DEPARTMENT		
10g	Reimbursement of the Supply Service Revolving Fund for the value of stores which have become obsolete or unserviceable	13,423	
15g	Reimbursement of the Queen's Printer's Advance Account for the value of stores which have become obsolete or unserviceable.....	36,678	50,101
	C—CROWN COMPANIES		
	CANADIAN ARSENALS LIMITED		
40g	Administration and Operation.....	391,000	
45g	Construction, Improvements and Equipment.....	67,700	458,700
	ENERGY, MINES AND RESOURCES		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
1g	Departmental Administration.....	104,000	
	FIELD AND AIR SURVEYS, MAPPING AND AERONAUTICAL CHARTING		
20g	Administration, Operation and Maintenance.....	100,000	
	GENERAL		
85g	Polar Continental Shelf Project.....	251,000	455,000
	B—DOMINION COAL BOARD		
100g	Administration and Investigations of the Dominion Coal Board.....	6,500	
105g	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—To extend the authority granted by Mines and Technical Surveys Vote 75b, <i>Appropriation Act No. 10, 1964</i> , as amended by Mines and Technical Surveys Vote 75d, <i>Appropriation Act No. 2, 1966</i> , and by Energy, Mines and Resources Vote 105c, <i>Appropriation Act No. 9, 1966</i> , to increase to \$37,737,911 the amount that may be spent pursuant thereto in the current fiscal year; additional amount required.....	4,591,686	4,598,186

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
1g	Administration, Operation and Maintenance, including a payment to the Roosevelt Campobello International Park Commission for the purposes and subject to the provisions of the Act respecting the Commission established to administer the Roosevelt Campobello International Park, and grants as detailed in the Estimates.....	1	
5g	Representation Abroad—Operational.....	195,000	
6g	To authorize the establishment of a special account in the Consolidated Revenue Fund, to be known as the Canada Foundation Account, to which shall be credited (a) the interest payable on the bonds received by Canada under the Civilian Relief Agreement of 1950 and the Cultural Agreement of 1954 between Canada and Italy, and (b) the proceeds from the sale, redemption or maturity of the said bonds and notwithstanding section 35 of the <i>Financial Administration Act</i> , to provide in the current and subsequent fiscal years and in accordance with terms and conditions prescribed by the Governor in Council for payment out of the Canada Foundation Account for the purposes of the said Agreements.....	1	
15g	Assessments, Contributions and other payments to International (including Commonwealth) Organizations and International Multilateral Economic and Special Aid Programs as detailed in the Estimates.....	256,000	
	EXTERNAL AID OFFICE		
35g	Economic, technical, educational and other assistance as detailed in the Estimates.....	3,500,000	3,951,002
	FINANCE		
	ADMINISTRATION		
1g	Departmental Administration including Administration of the Guaranteed Loans Acts.....	125,200	
3g	Grant to the Endowment Fund of the Vanier Institute of the Family—L'Institut Vanier de la famille.....	167,000	
	COMPTROLLER OF THE TREASURY		
25g	Administration, including the administration of the Superannuation and Retirement Acts and recoverable expenditures on behalf of the Canada Pension Plan.....	440,900	733,100
	FISHERIES		
	ADMINISTRATION		
1g	Departmental Administration.....	23,000	
	FISHERIES MANAGEMENT AND DEVELOPMENT		
15g	Grants, Contributions and Subsidies in the amounts and subject to the terms specified in the sub-vote titles listed in the Details of Estimates.....	300,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES (Continued)		
	SPECIAL		
17g	Estimated amount required to recoup the Fishing Vessel Indemnity Account, the Lobster Trap Indemnity Account and the Fixed Fishing Gear and Shore Installations Indemnity Account established under Vote 540 of the <i>Appropriation Act No. 5, 1955</i> and Vote 527 of the <i>Appropriation Act No. 6, 1956</i> , to cover the net operating losses in the said Accounts as at March 31, 1967.....	132,000	455,000
	FORESTRY AND RURAL DEVELOPMENT		
1g	Departmental Administration.....	7,000	
	FORESTRY		
23g	Contributions to the Provinces in the amounts and subject to the terms specified in the Details of Estimates.....	130,000	137,000
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
1g	Office of the Secretary to the Governor General.....		4,000
	INDIAN AFFAIRS AND NORTHERN DEVELOPMENT		
	RESOURCE DEVELOPMENT		
8g	Administration, Operation and Maintenance—To extend the purposes of Indian Affairs and Northern Development Vote 3 of the Main Estimates for 1966-67 to increase the contributions to the Canadian Council of Resource Ministers to \$107,310.....	1	
	NATURAL AND HISTORIC RESOURCES		
15g	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	1	
20g	Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Indian Affairs and Northern Development Vote 20 of the Main Estimates for 1966-67 to increase to \$17,906,700 the authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to make commitments for the current fiscal year and to provide a further amount of.....	990,000	
	INDIAN AFFAIRS		
30g	Administration, Operation and Maintenance including grants as specified in the sub-vote titles in the Estimates.....	2,100,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	INDIAN AFFAIRS AND NORTHERN DEVELOPMENT (Continued)		
	INDIAN AFFAIRS (Continued)		
35g	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,100,000	
	NORTHERN ADMINISTRATION		
45g	Administration, Operation and Maintenance.....	271,600	4,461,602
	INDUSTRY		
15g	To authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , an increase to \$200,000,000 in the total amount of commitments in the current and subsequent fiscal years for development grants under the <i>Area Development Incentives Act</i>		1
	INSURANCE		
1g	Departmental Administration.....		25,000
	JUSTICE		
1g	Administration, including grants and contributions as detailed in the Estimates.....		102,000
	LABOUR		
	B—CENTRAL MORTGAGE AND HOUSING CORPORATION		
25g	To reimburse Central Mortgage and Housing Corporation, pursuant to Section 35 of the <i>National Housing Act, 1954</i> , for expenditures incurred during the period January 1, 1966 to December 31, 1966, for Housing Research and Community Planning as contemplated by Part V of that Act.....	2,171,932	
30g	To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the calendar year 1966 as a result of the operation of Public Housing Projects undertaken under Part VI of the <i>National Housing Act, 1954</i>	2,109,457	
35g	To reimburse Central Mortgage and Housing Corporation for amounts loaned under Section 36H of the <i>National Housing Act, 1954</i> , to any province, municipality or municipal sewer- age corporation, and forgiven by the Corporation during the calendar year 1966, pursuant to Section 36G of the Act.....	7,898,965	
40g	To reimburse Central Mortgage and Housing Corporation for grants charged to the Consolidated Revenue Fund as estab- lished by Section 23E of the <i>National Housing Act, 1954</i> , in respect of contributions made during the calendar year 1966, to any Province or Municipality for the preparation or im- plementation of an urban renewal scheme or pursuant to an urban redevelopment agreement.....	6,632,832	
			18,813,186

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	THE SENATE		
5g	General Administration.....		282,500
	MANPOWER AND IMMIGRATION		
	NATIONAL EMPLOYMENT SERVICE		
20g	Administration of the National Employment Service.....	370,000	
	IMMIGRATION		
30g	Administration, Operation and Maintenance—To extend the purposes of Vote 30 of the Main Estimates for 1966-67 to increase the grants to Immigrant Welfare Organizations from \$20,000 to \$28,000.....	1	370,001
	NATIONAL DEFENCE		
	DEFENCE SERVICES		
15g	Operation and Maintenance and Construction or Acquisition of Buildings, Works, Land and Major Equipment and Development for the Canadian Forces.....	15,000,000	
	DEFENCE RESEARCH		
35g	Research Satellite Program—To provide for the design and instrumentation of a series of satellites to carry out a scientific research program agreed upon jointly by the United States National Aeronautical and Space Administration and the Defence Research Board.....	1,328,000	16,328,000
	NATIONAL HEALTH AND WELFARE		
	MEDICAL SERVICES		
20g	Administration, Operation and Maintenance.....		1,970,000
	POST OFFICE		
1g	Postal Services.....		12,700,700

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PRIVY COUNCIL		
	A—PRIVY COUNCIL		
5g	Ministers without Portfolio—Payment, notwithstanding anything in the <i>Financial Administration Act</i> or the <i>Senate and House of Commons Act</i> respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the <i>Senate and House of Commons Act</i> is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of \$7,500 per annum and pro rata for any period less than a year.....	1,715	
15g	Expenses of the Royal Commissions listed in the Details of Estimates.....	145,500	147,215
	B—ECONOMIC COUNCIL OF CANADA		
20g	Administration		120,000
	PUBLIC SERVICE STAFF RELATIONS BOARD		
1g	Administration Expenses.....		44,700
	PUBLIC WORKS		
	A—DEPARTMENT		
1g	General Administration.....	275,000	
	ACCOMMODATION SERVICES		
5g	Maintenance and operation of public buildings and grounds.....	1,010,000	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
30g	Construction, acquisition, major repairs and improvements of, and plans and sites for harbour and river works (including expenditures on works on other than federal property); provided that no contract may be entered into for new construction with an estimated total cost of \$50,000 or more unless the project is individually listed in the Details of Estimates.....	1	1,285,001
	B—NATIONAL CAPITAL COMMISSION		
60g	Operation and Maintenance.....		473,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	REGISTRAR GENERAL		
5g	Corporations Branch.....	5,900	
10g	<i>Combines Investigation Act</i> —Administration.....	100,000	
20g	Patent Division, Copyright and Industrial Designs Division and Trade Marks Office including contributions to the International Office for the Protection of Literary and Artistic Works and the International Office for the Protection of Industrial Property and a grant of \$4,000 to the Patent and Trade Mark Institute of Canada to assist in defraying the costs incurred in the production of a film on patents.....	4,000	109,900
	SECRETARY OF STATE		
	A—DEPARTMENT		
1g	Departmental Administration, including grants as detailed in the Estimates.....	125,675	
	NATIONAL MUSEUM OF CANADA		
15g	Administration, Operation and Maintenance.....	213,772	
	UNIVERSITY GRANTS		
27g	To extend the purposes of Secretary of State Vote 27a, Supplementary Estimates (A), 1966-67 to authorize, notwithstanding the said Vote, payments in the current fiscal year of the remainder of the amount not exceeding \$60,000,000 referred to therein.....	21,600,000	
	CITIZENSHIP		
35g	Administration, Operation and Maintenance including grants and contributions for language instruction and citizenship promotion.....	107,000	22,046,447
	D—NATIONAL ARTS CENTRE CORPORATION		
50g	Payments to the National Arts Centre Corporation to be used for the purposes set out in the <i>National Arts Centre Act</i>		25,000
	SOLICITOR GENERAL		
	B—CORRECTIONAL SERVICES		
	GENERAL		
12g	Reimbursement of the Penitentiaries Industrial Revolving Fund for the value of stores which have become obsolete, unserviceable, lost or destroyed.....		16,007

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	SOLICITOR GENERAL (Continued)		
	C—ROYAL CANADIAN MOUNTED POLICE		
25g	Payment in the current and subsequent fiscal years of a pension to Mrs. Helen Coleman, Mrs. Gladys Welfringer and Mrs. Annie Rosalie Laird in an amount equal to the amount that would be payable in that year to each such person under Schedule B to the <i>Pension Act</i> if each of them were the widow of a Lt. Col. (Army) and entitled, pursuant to the <i>Pension Act</i> , to payment of a pension in that year at the rate set out in Schedule B to that Act minus any amount payable to such person in the year pursuant to any other statutory authority providing for the payment of a pension in respect of the loss of life while engaged in the performance of duty; amount required for 1966-67.....		1,068
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
10g	Exhibitions Branch.....		111,800
	TRANSPORT		
	A—DEPARTMENT		
	MARINE SERVICES		
5g	Administration, Operation and Maintenance including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to increase to \$27,016,900 the commitments for the current fiscal year for the Canadian Coast Guard Service..	360,700	
	RAILWAYS AND STEAMSHIPS		
15g	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in the payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1966 in respect of the following services: Newfoundland Ferry and Terminals; Prince Edward Island Car Ferry and Terminals; Yarmouth, N.S.—Bar Harbour, Maine, U.S.A. Ferry Service.....	1,176,000	
20g	Construction or Acquisition of Buildings, Works and Land, Dock and Terminal Facilities, including improvements to Terminal Facilities owned by Newfoundland, and of Vessels and Related Equipment as listed in the Details of the Estimates provided that Treasury Board may increase or decrease the amounts within the Vote to be expended on individually listed projects.....		1

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Continued)		
	A—DEPARTMENT (Continued)		
	RAILWAYS AND STEAMSHIPS (Continued)		
27g	Canadian National Railways Deficit, 1966—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, and to be applied by the Company in payment of the system deficit (certified by the auditors of the Company) arising in the calendar year 1966, which deficit shall be calculated after taking into account subsidies received by the Company in 1966 in respect of the maintenance of lower freight rates in 1964 and 1965, and after providing for outstanding liabilities for vacation pay accrued in 1966, subject to recovery therefrom of accountable advances made to the Company from the Consolidated Revenue Fund.....	25,000,000	
	AIR SERVICES		
30g	Administration, Operation and Maintenance.....	339,000	
35g	Construction or Acquisition of Buildings, Works, Land and Equipment including national airports (as determined by the Minister of Transport) and related facilities including authority, notwithstanding section 30 of the <i>Financial Administration Act</i> , to increase to \$37,800,000 the commitments for the current fiscal year for Airports and Other Ground Services.....	5,300,000	
	GENERAL		
73g	Reimbursement of the Department of Transport Revolving Fund for the value of stores which have become obsolete, unserviceable, lost or destroyed.....	215,700	32,391,401
	B—AIR TRANSPORT BOARD		
75g	Salaries and Other Expenses.....	12,000	
78g	Subventions for Air Carriers as detailed in the Estimates.....	250,000	262,000
	C—BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
80g	Administration, Operation and Maintenance.....	35,000	
82g	Railway Grade Crossing Fund—To authorize, notwithstanding section 30 of the <i>Financial Administration Act</i> , an increase from \$34,967,000 to \$40,967,000 (in addition to any commitments in respect of which amounts are appropriated under this or any other Act) in the commitments that may be made in the current and subsequent fiscal years.....	1	35,001
	D—CANADIAN MARITIME COMMISSION		
90g	Steamship Subventions for Coastal Services, as detailed in the Estimates.....		2,081,919

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT (Continued)		
	E—NATIONAL HARBOURS BOARD		
104g	Payment to the National Harbours Board to be applied in payment of the balance of the deficit incurred in respect of the calendar year 1965 and the deficit expected to be incurred in the calendar year 1966 (exclusive of interest on advances authorized by Parliament and depreciation on capital structures) in the operation of the Jacques Cartier Bridge, Montreal Harbour.....		483,000
	F—ST. LAWRENCE SEAWAY AUTHORITY		
105g	Operating deficit and capital requirements of canals and works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council and to authorize, notwithstanding the <i>Financial Administration Act</i> or any other Act, the disbursement by the Authority of revenues derived from operation and management of such canals and works..	549,000	
107g	Payment to the St. Lawrence Seaway Authority, upon application, approved by the Minister of Transport, made by the Authority to the Minister of Finance, to reimburse the Authority in respect of the Welland Canal deficit incurred by the Authority during the calendar year 1966.....	10,150,000	10,699,000
	TREASURY BOARD		
	ADMINISTRATION		
1g	Departmental Administration.....	74,400	
	GOVERNMENT ADMINISTRATION		
19g	To authorize the Governor in Council to amend from time to time Schedule A of the <i>Public Service Superannuation Act</i> by deleting therefrom any board, commission or corporation named therein that has ceased to exist, and to deem, with effect from the 11th day of July, 1966, that persons in positions, as determined by the Governor in Council, in the whole or any portion of any board, commission or corporation which has its own pension plan are not employed in the Public Service for the purposes of subsection (1) of section 4 of the <i>Public Service Superannuation Act</i> while such pension plan is in force.....	1	
24g	To authorize as of March 31, 1967, the charging to the Superannuation Account and the Retirement Fund, as defined in the <i>Public Service Superannuation Act</i> , of the amount of all advances made pursuant to Finance Vote L100D of <i>Appropriation Act No. 2, 1966</i> and L100E of <i>Appropriation Act No. 4, 1966</i> to or in respect of persons described in those Votes who were required to make contributions under the <i>Public Service Superannuation Act</i> and the Canada Pension Plan or the Quebec Pension Plan in respect of remuneration received after December 31, 1965, and to provide that, notwithstanding the <i>Public Service Superannuation Act</i> , the contributions payable pursuant to that Act to the Superannuation Account or the Retirement Fund by any such person shall be reduced to the extent that the combined effect of that Act and the Canada Pension Plan or the Quebec Pension Plan result in a requirement to contribute in respect of that remuneration at rates in excess of 6.5% in the case of a male contributor and 5% in the case of a female contributor prior to his or her ceasing to be employed in the Public Service.....	1	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TREASURY BOARD (Continued)		
	GOVERNMENT ADMINISTRATION (Continued)		
25g	To authorize the Treasury Board to delete from the accounts certain debts due, and claims by, Her Majesty, each of which is in excess of \$1,000, amounting in the aggregate to \$15,133,978.33.....	1	74,403
	VETERANS AFFAIRS		
	WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS		
6g	To provide, notwithstanding the <i>Children of War Dead (Education Assistance) Act</i> , that Martin Merlihan, Mary Merlihan, Sheila Merlihan and Patricia Merlihan, children of the late Francis J. Merlihan who died on the 7th day of June, 1965, while under treatment for a pensionable disability, be deemed to be students on and from the 8th day of June, 1965, within the meaning of the said Act.....	1	
	PENSIONS		
20g	Administration.....	70,000	
	TREATMENT SERVICES		
30g	Operation and Maintenance.....	900,000	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
40g	Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement.....	210,000	1,180,001
	LOANS, INVESTMENTS AND ADVANCES		
	ATOMIC ENERGY OF CANADA LIMITED		
L5g	Advances to Atomic Energy of Canada Limited, subject to such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company), as the Governor in Council may approve, to finance the construction in Quebec of a Candu-BLW 250 nuclear power station.....	3,000,000	
	DEFENCE PRODUCTION		
L13g	To extend the purposes of the revolving fund established by Loans, Investments and Advances Vote L18e, <i>Appropriation Act No. 4, 1966</i> , to include (a) the procurement of insurance coverage at bulk rates on the movement of household effects; and (b) the financing, in the 1966-67 and 1967-68 fiscal years, of the cost of hotel accommodation in Montreal during the period of the Canadian Universal and International Exhibition, Montreal, 1967 under arrangements approved by the Treasury Board.....	1	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Continued)		
	EXTERNAL AFFAIRS		
L24g	Additional advance to the working capital fund of the United Nations Educational, Scientific and Cultural Organization in an amount of \$23,460 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1967, which is.....	25,000	
	FINANCE		
	Comptroller of the Treasury		
L29g	To authorize the operation of a working capital advance account, in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Treasury Board, for the purpose of providing to federal government departments and agencies standing travel advances, advances for petty cash expenditures and imprest bank accounts, and such other accountable advances as may be approved by Treasury Board; advances made shall be charged to the account and refunds of advances credited thereto, the amount outstanding at any one time not to exceed.....	17,000,000	
	INDIAN AFFAIRS AND NORTHERN DEVELOPMENT		
L51g	Indian Housing Assistance Account—To extend the purposes of Indian Affairs and Northern Development Vote L51a of the Supplementary Estimates (A), 1966-67, to authorize loans and advances to Indians for the acquisition of houses and land for housing purposes in areas other than Indian reserves.....	1	
	LABOUR		
	Central Mortgage and Housing Corporation		
L38g	Advances charged to the special account in the Consolidated Revenue Fund established by sub-section (4) of section 35A of the <i>National Housing Act, 1954</i> , in respect of housing and land development projects undertaken jointly with the Governments of Provinces during the calendar year 1966...	19,500,000	
L39g	Advances charged to the special account in the Consolidated Revenue Fund established by sub-section 2 of section 36H of the <i>National Housing Act, 1954</i> , in respect of loans to any province, municipality or municipal sewerage corporation, for construction or expansion of municipal sewage treatment projects during the calendar year 1966.....	32,500,000	
	MANPOWER AND IMMIGRATION		
L41g	To increase to \$500,000 the amount that may be charged at any time to the special account established by Vote 626, <i>Appropriation Act No. 2, 1955</i> , as amended by Vote 526, <i>Appropriation Act No. 6, 1956</i> , for advances to posts and to employees on posting abroad; additional amount required..	225,000	

SCHEDULE—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES (Continued)		
	PUBLIC WORKS		
L56g	To authorize the operation of a working capital advance account in the current and subsequent fiscal years, in accordance with terms and conditions approved by the Treasury Board, for the purpose of making payments in respect of construction and repair projects undertaken by the Department of Public Works on behalf of other federal government departments and agencies; the payments to be charged to the account and refunds by federal government departments and agencies to be credited thereto, the amount outstanding at any time, after deducting therefrom all amounts due by federal government departments and agencies, not to exceed.....	10,000,000	
	SOLICITOR GENERAL		
	C—Royal Canadian Mounted Police		
L70g	To authorize the operation of a working capital advance account in the current and subsequent fiscal years, in accordance with terms and conditions prescribed by the Treasury Board, for the purpose of operating RCMP messes; expenditures for such purpose to be charged to the account and receipts for mess services to be credited thereto, the amount outstanding at any time not to exceed.....	80,000	
	TRANSPORT		
L81g	Loans to Canadian National Railways in such manner and subject to such terms and conditions as the Governor in Council may approve for maintenance, repair and acquisition of passenger equipment.....	200,000	
L83g	Acquisition of two Twin-Otter Aircraft for leasing to Leeward Islands Air Transport Services Limited, in accordance with an agreement to be entered into with the approval of the Governor in Council, at a rent that will reimburse the Crown for the cost of acquisition, and that will include an option to purchase the said aircraft, notwithstanding anything contained in the <i>Surplus Crown Assets Act</i>	771,757	
L82g	To authorize, notwithstanding sub-section 5 of section 58 of the <i>Financial Administration Act</i> , the retention within the Department of Transport revolving fund of credits arising from the introduction of a system of standard pricing....	1	
	VETERANS AFFAIRS		
	Treatment Services		
L100g	To authorize the operation, in accordance with section 58 of the <i>Financial Administration Act</i> , of a revolving fund for the purpose of financing the acquisition and storage of materials and supplies by departmental hospitals and other facilities in Canada, including the Central Medical Stores maintained in Ottawa; the amount to be charged to the revolving fund at any time not to exceed.....	5,000,000	88,301,760
			324,983,578

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 86

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

[Assented to 23rd March, 1967.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, the Honourable Robert Taschereau, P.C., Administrator of the Government of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1968; and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 3, 1967*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole, five hundred and eighty-three million, six hundred and twenty-one thousand, six hundred and eighty-eight dollars and ninety-three cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1967 to the 31st day of March, 1968, not otherwise provided for, and being the aggregate of

(a) one-twelfth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1968,

\$583,621,688.93
granted for
1967-68.

- as laid before the House of Commons at the present session of Parliament.....
-\$499,354,305.59;
- (b) ten-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A
-\$16,666,666.67;
- (c) four-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule B.....
-\$23,778,000.00;
- (d) three-twelfths of the amount of the item in the said Main Estimates set forth in Schedule C. .
-\$2,543,000.00;
- (e) two-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule D.....
-\$27,544,166.67;
- (f) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule E.....
-\$13,735,550.00.

Purpose and effect of each item.

3.

The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4.

Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Power to raise loan of \$1,000,000,000 for public works and general purposes. R.S., c. 116.

5.

(1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

(2) All borrowing powers that are authorized by section 5 of chapter 5 of the Statutes of 1966-67 and

by section 5 of chapter 30 of the Statutes of 1966-67 and are outstanding and unused and in respect of which no action has been taken by the Governor in Council pursuant to section 42 of the *Financial Administration Act* shall expire on the date of the coming into force of this Act.

6. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*. Account to be rendered.
R.S., c. 116.

SCHEDULE A.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$16,666,666.67, being ten-twelfths of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	FINANCE		
L40	To provide for the purchase, acquisition, and holding by the Minister of Finance of securities issued by the Canadian Corporation for the 1967 World Exhibition pursuant to sub-section 1 of section 12 of the Canadian Corporation for the 1967 <i>World Exhibition Act</i> and to subsequently dispose thereof.....		*20,000,000

*Net Total \$16,666,666.67.

SCHEDULE B.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$23,778,000.00, being four-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
5	Grants for researches and investigations with respect to atomic energy.....	2,500,000	
	ENERGY, MINES AND RESOURCES		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
10	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council by Canada with the Provinces, to assist in the development of roads leading to resources.....	*2,834,000	.....
	NATIONAL RESEARCH COUNCIL OF CANADA INCLUDING THE MEDICAL RESEARCH COUNCIL		
10	Scholarships and Grants in Aid of Research.....	66,000,000	*71,334,000

*Net Total \$23,778,000.00.

SCHEDULE C.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$2,543,000.00, being three-twelfths of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	ENERGY, MINES AND RESOURCES		
	A—DEPARTMENT		
	RESEARCH AND INVESTIGATIONS ON WATER RESOURCES		
80	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....		*10,172,000

*Net Total \$2,543,000.00.

SCHEDULE D.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$27,544,166.67, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	ENERGY, MINES AND RESOURCES		
	A—DEPARTMENT		
	MARINE SURVEYS AND RESEARCH		
30	Construction or Acquisition of Buildings, Works, Land and Equipment.....	9,880,000	
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	EXTERNAL AID OFFICE		
35	Economic, technical, educational and other assistance as detailed in the Estimates.....	130,100,000	
	LOANS, INVESTMENTS AND ADVANCES		
	ENERGY, MINES AND RESOURCES		
L25	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	25,285,000	
			*165,265,000

*Net Total \$27,544,166.67.

SCHEDULE E.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$13,735,550.00, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	INDUSTRY		
15	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council (formerly under Canadian Maritime Commission).	30,000,000	
	LEGISLATION		
	HOUSE OF COMMONS		
20	General Administration.....	7,803,900	
	NATIONAL REVENUE		
	TAXATION		
5	General Administration and District Offices including recoverable expenditures on behalf of the Canada Pension Plan....	57,833,900	
	SOLICITOR GENERAL		
	C—ROYAL CANADIAN MOUNTED POLICE		
15	National Police Services, Federal Law Enforcement Duties and Provincial and Municipal Policing under contract—Administration, Operation and Maintenance, including grants as detailed in the Estimates and authority, notwithstanding the <i>Financial Administration Act</i> , to spend revenue received during the year.....	62,438,000	
	TRADE AND COMMERCE		
	1967 WORLD EXHIBITION		
29	Canadian Government Participation in the 1967 World Exhibition, Montreal.....	6,750,800	
			*164,826,600

*Net Total \$13,735,550.00.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 87

An Act respecting Banks and Banking.

[Assented to 23rd March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Bank Act*. Short title.

INTERPRETATION.

2. (1) In this Act,
- (a) "agricultural equipment" means implements, apparatus, appliances and machinery, of any kind usually affixed to real or immovable property, for use on a farm, but does not include a farm electric system; Definitions,
"Agricultural equipment."
- (b) "agricultural implements" means tools, implements, apparatus, appliances and machines, of any kind not usually affixed to real or immovable property, for use on or in connection with a farm, and vehicles for use in the business of farming and, without restricting the generality of the foregoing, includes plows, harrows, drills, seeders, cultivators, mowing machines, reapers, binders, threshing machines, combines, leaf tobacco tying machines, tractors, movable granaries, trucks for carrying products of agriculture, equipment for bee-keeping, cream separators, churns, washing machines, spraying apparatus, portable irrigation apparatus, incubators, milking machines, refrigerators and heating and cooking appliances for farming "Agricultural implements."

- operations or use in the farm home of a kind not usually affixed to real or immovable property;
- "Bank." (c) "bank" means a bank to which this Act applies;
- "Bill of lading." (d) "bill of lading" includes all receipts for goods, wares and merchandise accompanied by an undertaking
- (i) to move the goods, wares and merchandise from the place where they were received to some other place, by any means whatever, or
- (ii) to deliver at a place other than the place where the goods, wares and merchandise were received a like quantity of goods, wares and merchandise of the same or a similar grade or kind;
- "Branch." (e) "branch" includes an agency, the head office and any other office of the bank;
- "Corporation controlled by the bank." (f) "corporation controlled by the bank" means a corporation more than fifty per cent of the issued capital stock of which (having full voting rights under all circumstances) is owned by the bank;
- "Crops growing or produced upon the farm." (g) "crops growing or produced upon the farm" includes all products of the farm;
- "Farm." (h) "farm" means land in Canada used for the purpose of farming, which term includes live stock raising, dairying, bee-keeping, the production of maple products, fruit growing, the growing of trees and all tillage of the soil;
- "Farm electric system." (i) "farm electric system" includes all machinery, apparatus and appliances for the generation or distribution of electricity on a farm whether or not affixed to real or immovable property;
- "Farmer." (j) "farmer" includes the owner, occupier, landlord and tenant of a farm;
- "Fish." (k) "fish" includes shell fish, crustaceans and marine animals;
- "Fisherman." (l) "fisherman" means a person whose business consists in whole or in part of fishing;
- "Fishing." (m) "fishing" means fishing for or catching fish by any method;
- "Fishing equipment and supplies." (n) "fishing equipment and supplies" includes equipment, apparatus, appliances and supplies for use in the operation of a fishing vessel and not forming part thereof, or for use in fishing, and, without restricting the generality of the foregoing, includes detachable engines and ma-

- chinery, lines, hooks, trawls, nets, anchors, traps, bait, salt, fuel and stores;
- (o) "fishing vessel" includes any ship or boat or any other description of vessel for use in fishing and equipment, apparatus and appliances for use in the operation thereof and forming part thereof, or any share or part interest therein; "Fishing vessel."
- (p) "goods, wares and merchandise" includes products of agriculture, products of the forest, products of the quarry and mine, products of the sea, lakes and rivers, and all other articles of commerce; "Goods, wares and merchandise."
- (q) "grain" includes wheat, oats, barley, rye, corn, buckwheat, flax, beans, and all kinds of seeds; "Grain."
- (r) "hydrocarbons" means solid, liquid and gaseous hydrocarbons and any natural gas whether consisting of a single element or of two or more elements in chemical combination or uncombined and, without restricting the generality of the foregoing, includes oil-bearing shale, tar sands, crude oil, petroleum, helium and hydrogen sulphide; "Hydrocarbons."
- (s) "Inspector" means the Inspector General of Banks appointed under this Act; "Inspector."
- (t) "live stock" includes "Live stock,"
- (i) horses and other equines,
- (ii) cattle, sheep, goats and other ruminants, and
- (iii) swine, poultry and fur-bearing animals;
- (u) "manufacturer" includes any person who manufactures or produces by hand, art, process or mechanical means any goods, wares and merchandise and, without restricting the generality of the foregoing, includes a manufacturer of logs, timber or lumber, maltster, distiller, brewer, refiner and producer of petroleum, tanner, curer, packer, canner, bottler and a person who packs, freezes or dehydrates any goods, wares and merchandise; "Manufacturer."
- (v) "Minister" means the Minister of Finance; "Minister."
- (w) "president" does not include an honorary president; "President."
- (x) "products of agriculture" includes "Products of agriculture,"
- (i) grain, hay, roots, vegetables, fruits, other crops and all other direct products of the soil, and
- (ii) honey, maple products, live stock (whether alive or dead), dairy products, eggs and all other indirect products of the soil;

- "Products of the forest."
 (y) "products of the forest" includes
 (i) logs, pulpwood, piling, spars, railway ties, poles, pit props and all other timber,
 (ii) boards, laths, shingles, deals, staves and all other lumber, bark, wood chips and sawdust, and
 (iii) skins and furs of wild animals;
- "Products of the quarry and mine."
 (z) "products of the quarry and mine" includes stone, clay, sand, gravel, metals, ores, coal, salt, precious stones, metalliferous and non-metallic minerals and hydrocarbons, whether obtained by excavation, drilling or otherwise;
- "Products of the sea, lakes and rivers."
 (aa) "products of the sea, lakes and rivers" includes fish of all kinds, marine and fresh water organic and inorganic life and any substances extracted or derived from any water;
- "Recorded address."
 (bb) "recorded address" means
 (i) in relation to a person as a shareholder, his last known post office address according to the register of shareholders of the bank, and
 (ii) in relation to a person in any other respect, his last known post office address according to the records of the branch concerned;
- "Securities."
 (cc) "securities" includes
 (i) bonds, debentures and obligations of or guaranteed by governments, corporations or unincorporated bodies, whether such corporations and unincorporated bodies are governmental, municipal, school, ecclesiastical, commercial or other, secured on real or personal, immovable or movable property or unsecured, and rights in respect of such bonds, debentures and obligations,
 (ii) shares of capital stock of corporations and rights in respect of such shares,
 (iii) equipment trust certificates or obligations,
 (iv) all documents, instruments and writings commonly known as securities, and
 (v) mortgages and hypothecs, whether issued or granted within or outside Canada;
- "Warehouse receipt."
 (dd) "warehouse receipt" includes
 (i) any receipt given by any person for goods, wares and merchandise in his actual, visible and continued possession as bailee thereof in good faith and not as of his own property,

- (ii) receipts given by any person who is the owner or keeper of a harbour, cove, pond, wharf, yard, warehouse, shed, storehouse or other place for the storage of goods, wares and merchandise, for goods, wares and merchandise delivered to him as bailee, and actually in the place or in one or more of the places owned or kept by him, whether such person is engaged in other business or not,
- (iii) receipts given by any person in charge of logs or timber in transit from timber limits or other lands to the place of destination of such logs or timber,
- (iv) Lake Shippers' Clearance Association receipts and transfer certificates, British Columbia Grain Shippers' Clearance Association receipts and transfer certificates, and all documents recognized by the *Canada Grain Act* as warehouse receipts, and
- (v) receipts given by any person for any hydrocarbons received by him as bailee, whether his obligation to restore requires delivery of the same hydrocarbons or may be satisfied by delivery of a like quantity of hydrocarbons of the same or a similar grade or kind.

(2) For the purposes of this Act, each thing included in paragraphs (g), (t), (x), (y), (z) and (aa) of subsection (1) comprises that thing in any form or state and any part thereof and any product or by-product thereof or derived therefrom.

Products and
by-products.

(3) Where a bank has a chief general manager the provisions of this Act referring to a general manager shall be construed to refer to the chief general manager.

Chief
general
manager.

(4) For the purposes of this Act, where a bank accepts a bill of exchange drawn on it and not payable on demand, or pays or makes money available for the payment of such a bill of exchange, the bank is deemed to lend money or make an advance to the drawer of the bill.

Acceptance
or payment
of bill of
exchange.

3. (1) Where by this Act any public notice is required to be given the notice shall, unless otherwise specified, be given by advertisement

Public notice.

- (a) in one or more newspapers published at the place where the head office of the bank is situated, and
- (b) in the *Canada Gazette*.

Sufficiency of publication.

(2) Where by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during the period in a newspaper published more frequently, is a sufficient publication for the purposes of this Act.

Notice of call.

(3) Where by this Act notice of any call is required to be given to the shareholders the notice is, unless otherwise specified, sufficiently given by mailing the notice, registered and post paid, to the recorded address of the respective shareholders at least thirty days prior to the day on which the call is payable.

APPLICATION.

Application of Act.

4. This Act applies to each bank named in Schedule A and does not apply to any other bank.

Act is charter.

5. Each bank named in Schedule A is a body politic and corporate and this Act is its charter.

Duration of authority to carry on business.

6. Subject to this Act,

(a) if Parliament sits on at least twenty days during the month of June, 1977, the bank may carry on the business of banking until the first day of July, 1977, and no longer, and

(b) if Parliament does not sit on at least twenty days during the month of June, 1977, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer.

Head office and capital stock.

7. Subject to this Act, the name of the bank, the additional name under which it is authorized to carry on business, the authorized capital stock of the bank, the par value of its shares and the place where its head office is situated, shall be as specified in Schedule A with respect to the bank.

INCORPORATION AND ORGANIZATION OF BANKS.

Incorporation particulars.

8. (1) The name of the bank, the additional name under which it is authorized to carry on business, the authorized capital stock of the bank, the par value of its shares, the place in Canada where its head office is to be situated and the names, addresses and occupations of the provisional directors shall be declared in the Act of incorporation of the bank.

Form of incorporation.

(2) Except as provided in this Act, an Act of incorporation of a bank in the form set forth in Schedule B

shall be construed to confer upon the bank thereby incorporated all the powers, privileges and immunities, and to subject it to all the liabilities and provisions set forth in this Act.

9. Subject to this Act, the authorized capital stock of the bank shall be not less than one million dollars and shall be divided into shares each having a par value of one dollar or any multiple thereof not exceeding ten dollars. Capital stock and shares.

10. (1) The number of provisional directors shall be not less than five. Provisional directors.

(2) A person is not eligible to be a provisional director unless he is a subscriber for stock of the bank for and on his own behalf, so as to become the absolute and sole owner in his individual right of such stock, and not as trustee or in the right of another, on which subscription not less than Qualification.

- (a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million dollars or less;
- (b) four thousand dollars have been paid up, when the paid-up capital stock of the bank exceeds one million dollars and does not exceed three million dollars; or
- (c) five thousand dollars have been paid up, when the paid-up capital stock of the bank exceeds three million dollars;

except that in the case of not more than one-quarter of the provisional directors the minimum requirements of subscriptions for stock in paragraphs (a), (b) and (c) shall be reduced to fifteen hundred dollars, two thousand dollars and twenty-five hundred dollars respectively.

(3) The provisional directors hold office until directors are elected by the subscribers for the stock as provided in this Act. Tenure of office.

(4) At least three-quarters of the provisional directors shall be Canadian citizens ordinarily resident in Canada. Canadian citizens.

11. (1) For the purpose of organizing the bank, the provisional directors shall, after giving public notice thereof at least ten days prior thereto, cause stock books to be opened, in which shall be recorded the subscriptions of the persons who have subscribed for shares of the capital stock of the bank. Opening of stock books.

(2) The stock books shall be opened at the place where the head office of the bank is to be situated, and elsewhere in the discretion of the provisional directors. Where.

Particulars
entered.

(3) Each subscriber shall, at the time of subscription, give his post office address and this shall appear in the stock books in connection with the name of the subscriber and the number of shares subscribed for.

Time stock
books open.

(4) The stock books may be kept open for such time as the provisional directors deem necessary.

Recovery of
unpaid sub-
scriptions.

(5) In case of the non-payment of any instalment or other sum payable by a subscriber on account of his subscription, the provisional directors may, in the name of the bank, sue for, recover, collect and get in any such instalment or sum.

First meeting
of sub-
scribers.

12.

- (1) When, in accordance with this Act,
- (a) a sum of not less than one million dollars of the authorized capital stock of the bank has been subscribed,
- (b) payments in money on account of the subscriptions, making a total of not less than five hundred thousand dollars, have been made by the subscribers, and
- (c) the provisional directors have, out of the subscriptions, paid to the Minister the sum of five hundred thousand dollars,

the provisional directors shall, by public notice published for at least four weeks and by notice mailed to each subscriber at his recorded address at least ten days prior to the date of the meeting, call a meeting of the subscribers, to be held at the place in Canada named in the Act of incorporation as the place where the head office of the bank is to be situated, at such time and at such location as is set forth in the notice.

When sub-
scription
deemed to
be made.

(2) For the purposes of subsection (1), a subscription shall be deemed not to have been made unless and until payment in money equal to at least ten per cent of the amount subscribed has been made on account of such subscription by the subscriber, and such payment, with the date thereof, shall be entered on the stock books opposite to such subscription.

Business at
first meeting.

- (3) The subscribers shall, at the first meeting,
- (a) determine the day upon which the first annual general meeting of the shareholders is to be held,
- (b) elect such number of duly qualified directors, not less than five, as they think necessary, to hold office until the first annual general meeting of the shareholders,
- (c) provide for the method of filling vacancies in the board of directors until the first annual general meeting of the shareholders, and

- (d) appoint two persons having the qualifications specified in subsection (1) of section 63, but not being members of the same firm, to be the auditors of the bank until the first annual general meeting of the shareholders,

and each subscriber is entitled at such meeting to a number of votes equal to the number of shares of the capital stock of the bank that would be fully paid by the amount paid on his subscription.

(4) Upon the election of directors in accordance with this section the provisional directors cease to hold office. Provisional directors.

13. (1) The bank shall not commence the business of banking until it has obtained the approval of the Governor in Council thereto. Commencing business.

(2) No application for the approval of the Governor in Council shall be made until directors have been elected in accordance with this Act. Application for approval.

(3) At the time of the application for the approval of the Governor in Council there shall be submitted to the Governor in Council a sworn statement setting forth the several sums of money paid or to be paid by the bank in connection with the incorporation and organization of the bank. Statement of payments.

(4) Prior to the time at which the approval of the Governor in Council is given no payments on account of incorporation and organization expenses shall be made out of moneys paid in by subscribers except reasonable sums for the payment of clerical assistance, legal services, office expenses, advertising, stationery, postage and expenses of travel, if any. Limitation on payments.

(5) When, at the time of the application for the approval of the Governor in Council, a sum of less than one-half of the authorized capital stock has been subscribed, the Governor in Council shall, when granting the approval, reduce the authorized capital stock to the largest multiple of one million dollars that is not greater than twice the amount so subscribed, and Schedule A is thereupon amended accordingly in respect of the bank. Reduction of capital.

(6) The approval of the Governor in Council permitting the bank to commence business shall be evidenced by an order in council notice of which shall be published in the *Canada Gazette*. Order in council.

14. (1) No approval permitting the bank to commence business shall be given by the Governor in Council until it has been shown by affidavit or otherwise to the satisfaction of the Governor in Council that When approval may be granted.

- (a) the directors have been duly elected;

- (b) the provisions of this Act relating to subscription and payment for capital stock have been complied with;
- (c) the payment required by this Act to be made to the Minister has been made and the sum so paid is then held by the Minister;
- (d) all requirements of this Act antecedent to the granting of the approval have been complied with; and
- (e) the expenses of incorporation and organization to be borne by the bank are reasonable.

Within one
year.

(2) No approval shall be given by the Governor in Council except within one year from the time the Act of incorporation of the bank comes into force.

If approval
not granted
powers cease.

15. (1) If no approval permitting the bank to commence business is obtained by the bank from the Governor in Council within one year from the time its Act of incorporation comes into force, all the rights, powers and privileges conferred on the bank by its Act of incorporation thereupon cease and determine and are of no force or effect, and Schedule A is thereupon amended by deleting the additions made thereto in respect of the bank.

Disburse-
ments
allowed.

(2) If subscriptions have in whole or in part been paid, but no approval permitting the bank to commence business has been obtained from the Governor in Council within the time limited by subsection (1), no part of the money so paid, or interest earned thereon, shall be disbursed for commissions, salaries, charges for services or for other purposes, except a reasonable amount for payment of clerical assistance, legal services, office expenses, advertising, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at which the greater part of the money so paid is represented by subscribers or by proxies of subscribers; and each subscriber is entitled at such a meeting to a number of votes equal to the number of shares of the capital stock of the bank that would be fully paid by the amount paid on his subscription.

Application
to court to
settle dis-
bursements.

(3) If the amount allowed by the resolution for the disbursements mentioned in subsection (2) is deemed insufficient by the directors, or if no resolution for such purpose is passed after a meeting has been duly called, the directors may apply to a judge of any superior or county court having jurisdiction where the head office of the bank is fixed by its Act of incorporation, to settle and determine the amounts to be disbursed out of such money and interest, if any, before distribution of the balance to the subscribers.

(4) Notice of the meeting and notice of the application referred to in subsections (2) and (3) respectively shall be given by sending the notice by registered post, at least twenty-one days prior to the date fixed for such meeting or the hearing of the application, to the subscribers at their recorded addresses; and each of the notices shall contain a statement of the amounts for disbursements that it is proposed shall be provided by resolution or settled and determined by a judge.

Notice of meeting and application to court.

(5) At the meeting held pursuant to this section votes of subscribers may be given by proxy if the holder of the proxy is a subscriber, and on any application to a judge pursuant to this section, subscribers may be heard in person or by counsel.

Voting; hearing.

(6) In order that the sums paid and payable under this section may be equitably borne by the subscribers, the directors shall, after the amount of such sums is ascertained as provided in this section, fix the proportionate part thereof chargeable to each subscriber at the ratio of the number of shares in respect of which he is a subscriber to the total number of shares subscribed.

Ratio payable by subscribers.

(7) The respective amounts fixed under subsection (6) shall, before return to the subscriber of the sums paid in by him, be deducted therefrom, and if the respective sums paid in by each subscriber are not as much as the amounts so fixed, then the deficiency in each case shall be payable forthwith by the subscriber to the directors.

Payment of deficiency.

(8) The total of the deficiencies mentioned in subsection (7) that the directors are unable to get in or collect in what seems to them a reasonable time shall, with any legal costs incurred, be deducted by them from the sums then remaining in their hands to the credit of the several subscribers in the ratio mentioned in subsection (6), the shares in respect of which no such collections have been made being eliminated from the basis of calculation.

Deductions.

(9) The directors, after payment by them of the sums payable under this section, shall return to the subscribers, with any interest earned thereon, the respective balances of the moneys paid in by the subscribers.

Return of excess to subscribers.

16. (1) Upon the giving of the approval by the Governor in Council, the Minister shall forthwith pay to the bank the amount of money deposited with him without interest.

Payment of deposit if approval given.

(2) If no approval is given by the Governor in Council within the time limited for the giving thereof, the amount deposited with the Minister shall be returned without interest to the bank for distribution in the manner provided by this Act, and in no case is the Minister under any

If no approval given.

obligation to see to the proper application in any way of the amount so returned.

INTERNAL REGULATIONS.

Shareholders.

By-laws.

17. (1) Subject to this Act, the shareholders of the bank may make by-laws with respect to the following matters, namely:

- (a) the changing of the place where the head office of the bank is situated, which place shall be in Canada;
- (b) the subdivision or consolidation of the shares of the capital stock of the bank with an appropriate decrease or increase in the par value of the shares, but not so as to make the par value of each share other than one dollar or any multiple thereof not exceeding ten dollars;
- (c) the day upon which the annual general meeting of the shareholders shall be held, which shall be a day not more than fifteen months after the holding of the last annual general meeting;
- (d) the record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be produced and recorded prior to a meeting in order to entitle the holder to vote thereon;
- (e) the number of directors, which shall be not less than five, and the quorum thereof, which shall be not less than three;
- (f) the qualifications of directors;
- (g) the method of filling vacancies in the board of directors;
- (h) the time and proceedings for the election of directors in case of a failure of any election on the day appointed for it;
- (i) the remuneration of the president, vice-president and other directors;
- (j) the amount of discounts or loans that may be made to directors, either jointly or severally, or to any one person, or to any shareholder; and
- (k) the establishment of guarantee and pension funds for the officers and employees of the bank and corporations of which the bank owns all the issued and outstanding capital stock except the qualifying shares of directors, and the families of such officers and employees,

and the making of contributions thereto out of the funds of the bank.

(2) A copy of the by-laws in force on the first day of July, 1968, in respect of the matters set out in subsection (1), together with a copy of this section, shall, before the 31st day of December, 1968, be mailed to each shareholder at his recorded address; and after the first day of July, 1968, within six months after the end of each successive five-year period, a copy of the by-laws, in respect of the said matters in force at the end of each such period, shall be so mailed.

Copy of by-laws to be sent to shareholders.

(3) By-laws authorized by this Act may be made by the shareholders at any annual general meeting or at any special general meeting duly called for the purpose.

When by-laws may be made.

(4) Until it is otherwise prescribed by by-law under this Act, the by-laws of the bank with respect to any matter set out in subsection (1), in force at the commencement of this Act, remain in force.

Existing by-laws continued.

(5) At every annual general meeting the shareholders of the bank shall appoint a person to vote in the name of the bank at meetings of the shareholders of each corporation controlled by the bank in whose name the bank carries on any of its operations.

Voting by corporate shareholders.

Directors.

18. (1) The bank shall be under the management of a board of directors elected or appointed in accordance with this Act.

Management.

(2) A person is not eligible to be a director unless he holds stock of the bank as the absolute and sole owner thereof in his individual right and not as trustee or in the right of another, on which not less than

Qualification of directors.

- (a) three thousand dollars, or such greater amount as the by-laws require, have been paid up, when the paid-up capital stock of the bank is one million dollars or less,
- (b) four thousand dollars, or such greater amount as the by-laws require, have been paid up, when the paid-up capital stock of the bank exceeds one million dollars and does not exceed three million dollars, or
- (c) five thousand dollars, or such greater amount as the by-laws require, have been paid up, when the paid-up capital stock of the bank exceeds three million dollars;

except that in the case of not more than one-quarter of the directors the minimum requirements with respect to holdings

of stock in paragraphs (a), (b) and (c) shall be reduced to fifteen hundred dollars, two thousand dollars and twenty-five hundred dollars, respectively.

Canadian
citizens.

(3) At least three-quarters of the directors shall be Canadian citizens ordinarily resident in Canada.

Idem.

(4) The election or appointment of any person as a director is void if the composition of the board of directors would as a result thereof fail to comply with subsection (3).

Ineligibility.

(5) A person is not eligible to be elected or appointed a director if

- (a) he has reached the age of seventy-five years, or
- (b) he is a director of another bank.

Idem.

(6) A person is not eligible to be elected or appointed a director if

- (a) he is a director of a bank to which the *Quebec Savings Banks Act* applies or of a company incorporated under the laws of Canada or a province that carries on the business of a trust company within the meaning of the *Trust Companies Act*, or the business of a loan company within the meaning of the *Loan Companies Act*, and that accepts deposits from the public; or
- (b) he is a director of a company that owns shares of the capital stock of a company described in paragraph (a) in any number that would, under the voting rights attached to the shares owned by the company of which he is a director, permit the company of which he is a director to vote more than ten per cent of the total votes that could, under the voting rights attached to all the issued and outstanding shares of the company described in paragraph (a), be voted by the holders thereof;

but this subsection does not come into operation until two years from the day that subsections (2) to (8) of section 91 expire.

Idem.

(7) A person who is a director of a corporation that is incorporated under the laws of Canada or a province and is not

- (a) a corporation controlled by the bank,
- (b) a bank service corporation as defined in section 76, or
- (c) a religious, educational, cultural, social, welfare, philanthropic or charitable corporation,

is not eligible to be elected or appointed a director of the bank after the first day of July, 1971, when other directors

of the bank constitute one-fifth or more of the board of directors of the corporation.

19. (1) The directors shall be elected by the shareholders at the annual general meeting. Election of directors.

(2) The annual general meeting shall be held at the place where the head office of the bank is situated or at such other place in Canada as the directors may determine. Place of annual general meeting.

(3) Public notice of the annual general meeting shall be given by the directors by publishing the notice, for at least four weeks prior to the time of holding the meeting, in a newspaper published at the place where the head office of the bank is situated, and by mailing a copy of the notice to each shareholder at his recorded address at least twenty days prior to the time of holding the meeting. Notice.

(4) The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be the directors, but if at any election two or more persons have an equal number of votes, and there are not sufficient vacancies remaining in the board of directors to enable all the persons having an equal number of votes to be elected, the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the persons so having an equal number of votes shall be a director or directors. Who shall be directors.

(5) Where an election of directors is not made on the day appointed for that purpose, the election may take place on any other day, according to the by-laws, and, subject to this Act, the directors in office on the day appointed for the election of directors remain in office until new directors are elected or appointed. Postponed elections.

20. (1) The shareholders may, at any special general meeting of the shareholders called for the purpose, remove any director. Removal of director.

- (2) A director ceases to be a director if Disqualification of director.
- (a) he ceases to fulfil the requirements of subsection (2) of section 18 with respect to holdings of stock, or
- (b) he ceases to be a Canadian citizen ordinarily resident in Canada and as a result thereof the composition of the board of directors ceases to comply with subsection (3) of section 18.

21. (1) The directors shall elect by ballot from their number a president and one or more vice-presidents. Election of officers.

(2) The directors may elect by ballot from their number Idem.

- (a) a chairman of the board of directors,
- (b) one or more vice-chairmen of the board of directors,
- (c) one or more deputy chairmen of the board of directors, and
- (d) an honorary president.

Termination
of office.

(3) A person elected to an office under this section ceases to hold that office if he ceases to be a director.

Filling of
vacancies.

22. (1) Where a vacancy occurs in the board of directors, it shall be filled in the manner prescribed in the by-laws.

Canadian
citizens.

(2) Where by reason of a vacancy in the board of directors the composition of the board fails to comply with subsection (3) of section 18, the directors shall, if the vacancy has not within sixty days of the occurrence thereof been filled under subsection (1), forthwith fill the vacancy.

Power of
remainder to
act.

(3) A vacancy in the board of directors does not impair the right of the remaining directors to act.

President.

23. (1) When a vacancy occurs in the office of the president, the directors shall from their number elect a president.

Vice
president.

(2) When a vacancy occurs in the office of a vice-president who is a director, the directors may from their number elect a vice-president and shall do so if without such election there would be no vice-president who is a director.

Meetings of
directors.

24. (1) The chairman of the board, or in his absence a vice-chairman or deputy chairman of the board, if any, or the president, or in their absence a vice-president who is a director, shall preside at all meetings of the directors.

Temporary
chairman.

(2) Where at any meeting of the directors the chairman of the board, all vice-chairmen and deputy chairmen of the board, if any, the president and all vice-presidents who are directors are absent, one of the directors present, chosen to act *pro tempore*, shall preside.

Casting vote.

(3) The person presiding pursuant to this section has a vote as a director, and if there is an equal division on any question, also has a casting vote.

Executive
committee.

25. The shareholders may by by-law authorize the directors to appoint from among their number when it is more than ten an executive committee of not less than five, of whom a majority shall be directors who are not officers of the bank serving it on a full time basis, and to delegate to such committee any powers of the directors subject to any restrictions contained in the by-law and to any rules which the directors may make in that behalf.

26. A record shall be kept of the attendance at each meeting of directors, and a summary thereof for a period of twelve months ending not earlier than sixty days before the notice showing the total number of directors' meetings held and the number attended by each director, shall be sent to each shareholder with the notice of the annual general meeting; the summary may state the nature and extent of the services rendered by any director who, by reason of residing at a place remote from the head office of the bank, has not attended meetings of directors.

Record of attendance.

27. (1) The directors shall administer the affairs of the bank and may make by-laws with respect to any matter except a by-law increasing the aggregate of the amounts, fixed by a shareholders' by-law, to be paid to the president, vice-president and other directors as remuneration.

General powers of directors.

(2) Subject to subsection (3), where a by-law made under subsection (1) provides for a matter that the shareholders may provide for by by-law, the by-law, to the extent that it so provides, ceases to have effect at the conclusion of the annual general meeting of the shareholders next ensuing after it is made unless it is confirmed by the shareholders.

Confirmation of directors' by-laws.

(3) Where a special general meeting, called for the purpose of confirming a by-law made under subsection (1) or called for that and any other purpose, is held before the next following annual general meeting, the by-law ceases to have effect at the conclusion of the special general meeting unless it is confirmed at that special general meeting, and subsection (2) does not apply to a by-law that is so confirmed.

Idem.

(4) Subject to subsections (2) and (3), until it is otherwise prescribed by by-law under this Act, the by-laws made by the directors with respect to any matter with respect to which they may make by-laws under this section, in force at the commencement of this Act, remain in force.

Existing by-laws continued.

28. (1) The directors may

- (a) appoint as many officers and employees as they consider necessary for carrying on the business of the bank;
- (b) appoint one or more vice-presidents from amongst officers or employees of the bank who are not directors; and
- (c) authorize any officer of the bank to make such of these appointments, except that of a vice-president, as they may deem expedient.

Appointment of officers and employees.

Salaries.

(2) Officers and employees appointed under subsection (1) may be paid such salaries and allowances as the directors or appointing officer determine.

Report to directors.

29. (1) The general manager shall from time to time, but not less frequently than once in each financial year of the bank, make a report to the directors upon non-current loans to any person that are included in the latest return made by the bank to the Minister under section 103 and the aggregate amount of which exceeds one-tenth of one per cent of the paid-up capital and rest account of the bank.

"Non-current loan."

(2) For the purposes of subsection (1) a loan is non-current if

- (a) throughout the period of two years immediately preceding the day as of which the report is made, the borrower has not paid the interest on the loan at the agreed rate without assistance from the bank;
- (b) the bank has taken any step for the purpose of realizing upon security in respect of the loan;
- (c) the bank has commenced proceedings to recover all or any part of the loan or interest thereon; or
- (d) the manager of the branch where the loan is recorded, or an officer of the bank who has examined the loan, is of the opinion that the loan ought to be regarded as non-current.

Report to be incorporated in minutes.

(3) The report shall be incorporated in the minutes of the meeting of directors at which it is received.

Meetings of Shareholders.

Special general meetings.

30. A special general meeting of the shareholders of the bank may be called at any time by

- (a) the directors of the bank or any four of them, or
- (b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies, who are together owners of at least one-tenth of the paid-up capital stock of the bank;

and the directors or shareholders shall give public notice of the meeting at least six weeks prior thereto, specifying therein the object of the meeting, and the meeting shall be held at the place where the head office of the bank is situated.

One vote for each share.

31. (1) Subject to this Act, every shareholder has, on all occasions on which the votes of the shareholders are

taken, one vote for each share held by him for at least thirty days immediately before the time of the meeting.

(2) In all cases when the votes of the shareholders are taken, the voting shall be by ballot. Ballot.

(3) All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes of the shareholders present or represented by proxy. Majority to determine.

(4) The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there is a tie, in which case, except as to the election of a director, he has a casting vote. Casting vote.

(5) Subject to this Act, where two or more persons are joint holders of shares, any one of the joint holders may be authorized, by power of attorney from the other joint holder or holders, or a majority of them, to represent the shares and to vote accordingly. Joint holders of shares.

(6) Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy. Proxies.

(7) Neither the general manager nor any officer or employee subordinate to the general manager shall hold a proxy for the purpose of voting. Idem.

(8) No appointment of a proxy to vote at a meeting of the shareholders of the bank is valid for that purpose unless it has been made or renewed in writing within the twelve months immediately preceding the time of the meeting. Renewal of proxies.

(9) No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors that are then due and payable. Calls must be paid before voting.

CAPITAL STOCK.

32. (1) The authorized capital stock of the bank may be increased by by-law of the shareholders. Increase of capital.

(2) No by-law under this section comes into operation or has force or effect until approved by the Governor in Council. Approval by Governor in Council.

(3) No approval shall be given by the Governor in Council under subsection (2) unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Governor in Council that a copy of the by-law, together with notice of intention to apply for the approval, has been published for at least four weeks in the *Canada Gazette*, and Conditions for approval.

in one or more newspapers published at the place where the head office of the bank is situated.

Governor
in Council
may refuse.

(4) Nothing in this section shall be construed to prevent the Governor in Council from refusing to approve a by-law under this section.

Offer of
shares of
capital stock.

33. (1) Any of the original unsubscribed capital stock or of the increased capital stock shall be offered to the persons who are shareholders according to the books of the bank, pro rata, at such price not less than par, at such time and on such terms as the directors determine, except that

- (a) the price of the stock shall be paid in money;
- (b) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price every thirty days;
- (c) no share need be offered to a shareholder whose recorded address is in a country outside Canada, where, to the knowledge of the directors, the offer ought not to be made unless the appropriate authority in that country is furnished with information other than that contained in the statement submitted to the shareholders at the last annual general meeting and in any return under section 103 made by the bank after that meeting and more than sixty days before the date of the offer, but the directors may offer shares to such a shareholder or may in lieu of such an offer provide for him such rights in respect of shares as the directors determine, and such offers of shares or provision of rights may, subject to paragraphs (a), (b), (d) and (e), be on terms different except as to price from those of the offer to or provision for shareholders whose recorded addresses are elsewhere than in such country;
- (d) no share shall be offered to a shareholder from whom a subscription for a share could not, by reason of paragraph (a) or (b) of subsection (4) of section 53 or subsection (2) of section 56, be accepted by the bank; and
- (e) no fraction of a share shall be offered and no rights in respect of a fraction of a share shall be provided.

Notice of
offer.

(2) The offer shall be mailed to the shareholder at his recorded address and the directors shall, in the offer, fix a date, not earlier than the thirtieth day after the day on which the offer is mailed, by which the offer is to be accepted by the shareholder or, unless the directors have prohibited the transfer of the rights under the offer, by any transferee thereof.

34. Where, under section 33,Disposal of
shares.

(a) shares are offered but not subscribed for or rights in respect of shares are provided but not exercised, or

(b) shares or fractions of shares are not offered and rights in respect thereof are not provided,

the shares may, subject to this Act, be disposed of in such manner and on such terms as the directors determine, except that no share shall be sold at less than par.

35. If the average net proceeds per share of the disposal of shares under section 34 exceeds the price per share fixed by the directors under section 33, there shall be paid,

Distribution
of proceeds.

(a) to each shareholder to whom shares were offered but not subscribed for or for whom rights in respect of shares were provided but not exercised, the amount of such excess multiplied by the number of such shares;

(b) to each shareholder to whom shares were not offered by reason of paragraph (c) or (d) of subsection (1) of section 33 and for whom rights in respect of shares were not provided in lieu thereof, the amount of such excess multiplied by the number of such shares; and

(c) to each shareholder to whom a fraction of a share was not offered and for whom rights in respect of a fraction of a share were not provided by reason of paragraph (e) of subsection (1) of section 33, the amount of such excess multiplied by such fraction.

36. For the purpose of disposing of shares under sections 33 to 35, the directors shall cause stock books to be opened at the head office of the bank and elsewhere in their discretion and each person acquiring shares who, prior to the time of acquisition, is not a shareholder shall, at that time, give his post office address and this shall appear in the stock books in connection with the name of the person and the number of shares acquired.

Stock books.

37. (1) The paid-up capital stock of the bank may be reduced by by-law of the shareholders.

Reduction of
capital.

(2) No by-law under this section comes into operation or has force or effect until approved by the Governor in Council.

Approval of
Governor in
Council.

(3) No approval shall be given by the Governor in Council under subsection (2) unless application therefor is made within three months from the time of the passing

Conditions
for approval.

of the by-law, nor unless it appears to the satisfaction of the Governor in Council that

(a) the shareholders voting for the by-law represented a majority of all the shares then issued and outstanding, and

(b) a copy of the by-law, together with notice of intention to apply for the approval, has been published for at least four weeks in the *Canada Gazette*, and in one or more newspapers published at the place where the head office of the bank is situated.

Statements to
be submitted.

(4) In addition to evidence of the passing of the by-law, and of the publication thereof in the manner provided in this section, statements showing in respect of the bank

(a) the number of its shares issued and outstanding,

(b) the number of its shares represented by the shareholders who voted for the by-law,

(c) its assets and liabilities, and

(d) the reason why the reduction is sought,

shall be submitted to the Governor in Council at the time of the application for the approval of the by-law.

Governor in
Council may
refuse.

(5) Nothing in this section shall be construed to prevent the Governor in Council from refusing to approve a by-law under this section.

Not to affect
liability for
unpaid
subscriptions.

(6) The passing of the by-law, and any reduction of the capital stock of the bank thereunder, does not in any way diminish or interfere with the liability of the shareholders of the bank for unpaid subscriptions for shares at the time of the approval of the by-law.

Limit of
reduction.

(7) The paid-up capital stock shall not be reduced below the amount of five hundred thousand dollars.

SHARES AND CALLS.

Shares
personalty.

38. The shares of the capital stock of the bank are personal property.

Calls on
shares.

39. (1) The directors may make such calls of money from the several shareholders for the time being, upon the amounts remaining unpaid in respect of the shares subscribed for by them respectively, as they find necessary.

Number.

(2) Any number of calls may be made by one resolution.

Time of
payment.

(3) Calls shall be payable at intervals of not less than thirty days.

Notice.

(4) Notice of calls shall be given to the shareholders.

(5) Subject to this Act, no call shall exceed ten per cent of the amount subscribed in respect of each share. Amount.

40. (1) Where any part of the paid-up capital is lost, the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders in an amount equal to the amount of the loss or the amount of the subscription price of the stock remaining unpaid, whichever is the lesser. Calls when capital lost.

(2) The directors shall forthwith report to the Minister the amount of any loss to which this section refers and the calls, if any, made in respect thereof. Report to Minister.

41. In case of the non-payment of a call or of an instalment under a subscription for shares, the directors may, in the name of the bank, sue for and recover the amount of the call or instalment, or may declare the shares in respect of which default is made to be forfeited to the bank in accordance with section 42. Recovery of calls.

42. (1) Where a shareholder fails to pay an instalment or call upon his shares of the capital stock of the bank when it is due, and thereafter fails to make the payment on or before a day fixed in a notice directed to him in accordance with the by-laws or a resolution of the directors, the directors may, by resolution, declare forfeited the shares in respect of which the payment is in default. Forfeiture of shares.

(2) Shares declared forfeited under subsection (1) become, by such declaration, the property of the bank, and the directors shall, before the expiry of six months from the declaration, sell them to such persons, in such manner and on such terms as they may determine. Sale of forfeited shares.

(3) Notwithstanding the forfeiture of shares under this section, the shareholder who immediately prior to the forfeiture was the holder of the shares, continues to be liable to the bank for the amount of the subscription price of the shares that was unpaid at the time of forfeiture, less such amounts as are subsequently received by the bank in respect of the shares. Liability of former shareholder.

43. In any action brought to recover any money due on any instalment or call, it is not necessary to set forth the special matter in the declaration or statement of claim, but it is sufficient to allege that the defendant is the holder of one share or more, as the case may be, of the capital stock of the bank, and that he is indebted to the bank for instalments or calls upon such share or shares, in the sum to which the instalments or calls amount, as the case may be, stating the amount and number of the instalments or calls, and it is not necessary, in any such action, to prove the appointment of the directors. Recovery by action.

TRANSFER AND TRANSMISSION OF SHARES.

Shares
transferable.

44. (1) Shares of the capital stock of the bank are transferable in such manner and subject to such conditions as are prescribed by this Act or by by-law.

Fractions.

(2) No fraction of a share is transferable.

Register of
shareholders.

45. (1) The bank shall keep in Canada a register of shareholders recording the names and post office addresses of its shareholders and the number of shares held by each.

Registers of
transfers.

(2) The bank shall keep a register or registers of transfers in which transfers of shares may be made or recorded and transmissions of shares may be recorded in accordance with such provisions in respect thereof as the directors may see fit to make.

Extract
from register
of share-
holders.

(3) The bank shall keep on record at each place where a register of transfers of the bank is kept an extract from the register of shareholders showing, as at a date not more than four months earlier,

(a) the name of each shareholder who holds shares of the capital stock of the bank having an aggregate par value of more than five thousand dollars;

(b) the place of the recorded address of each such shareholder; and

(c) the number of shares held by him.

Inspection
of register
and extract.

(4) A register of transfers and an extract from the register of shareholders referred to in subsection (3) may, during banking hours, be inspected by any shareholder or by his representative authorized in writing

Discontinu-
ance of
register of
transfers.

(5) The directors may discontinue any register of transfers, but there shall be at least one register of transfers in Canada.

Agents.

(6) The directors may appoint agents for the keeping of the register of shareholders and any register of transfers and the making of entries therein.

Transfer of
shares.

46. Unless otherwise provided by by-law, no transfer of shares of the capital stock of the bank is valid unless

(a) it is made in a register of transfers of the bank; and

(b) the person making the transfer has, if required by the bank, previously discharged all his debts and liabilities to the bank that exceed in amount the then market value of the remaining shares, if any, belonging to such person.

Require-
ments for
valid transfer.

47. (1) Unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be

made in the books of the bank, all sales or transfers of shares, and all contracts and agreements in respect thereof, made or purporting to be made, are null and void if the person making the sale or transfer, or the person in whose name or on whose behalf the sale or transfer is made, at the time of the sale or transfer

- (a) is not the registered owner in the books of the bank of the share or shares so sold or transferred, or intended or purporting to be sold or transferred; or
- (b) has not the registered owner's assent to the sale or transfer.

(2) Nothing in subsection (1) affects the rights and remedies, under any contract of sale that does not comply with the conditions and requirements mentioned in that subsection, of any purchaser who has no knowledge of such non-compliance.

Purchaser's
rights
preserved.

48. (1) Where under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, no transfer of shares is, until it has been duly recorded in a register of transfers of the bank, valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and if absolute of rendering any transferee jointly and severally liable with the transferor to the bank and its creditors.

Transfer to
be recorded.

(2) Notwithstanding subsection (1), the delivery of a certificate for fully paid shares the transfer of which need not be made in the books of the bank, with a duly executed transfer endorsed thereon or delivered therewith, constitutes a valid transfer of the shares comprised therein, if such shares are listed on any recognized stock exchange at the time of such delivery, but, until the transfer of the shares has been duly recorded in a register of transfers of the bank, the bank shall treat the registered holder of the shares as being solely entitled to receive notice of and to vote at meetings of shareholders and to receive any payment in respect of such shares whether by way of dividend or otherwise.

Delivery of
certificate a
valid transfer.

49. (1) When a share of the capital stock of the bank has been sold under a writ of execution or under the decree, order or judgment of a court, the transfer of the share from the registered holder thereof to the purchaser at the sale shall be recorded in a register of transfers of the bank but only after receipt by the bank of an attested copy of the writ, decree, order or judgment bearing a certificate signed by the officer who conducted the sale certifying to

Sale of shares
under process.

whom the sale was made, or other evidence satisfactory to the bank of the sale and the identity of the purchaser, and after the discharge of all debts and liabilities to the bank of the registered holder of the share and of all liens thereon in favour of the bank and, where under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, after surrender to the bank of the certificate for the share.

Effect of recording sale under process.

(2) Where it is necessary that transfers of shares of its capital stock be made in the books of the bank, a transfer recorded in accordance with subsection (1) shall have the same effect as though it were a valid transfer made in the books of the bank by the registered holder of the share.

Transmission of share by operation of law.

50. (1) Where the transmission of a share of the capital stock of the bank takes place by operation of law otherwise than because of the death of a shareholder, the bank shall be furnished with an affidavit or declaration in writing in form satisfactory to it signed by or on behalf of a person claiming under the transmission stating the nature and effect of the transmission together with any corroborative evidence that the bank may request, and where under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, with the certificate for the share, and thereupon the transmission shall be recorded in a register of transfers of the bank.

Exercise of rights as shareholder.

(2) Until the transmission has been recorded in a register of transfers of the bank, no person claiming a share by virtue thereof is entitled to receive notice of or vote at meetings of shareholders or to receive any payment in respect of such share whether by way of dividend or otherwise.

Transmission by decease.

51. (1) Where the transmission of a share of the capital stock of the bank takes place because of the death of a shareholder, the delivery to the bank

(a) of an affidavit or declaration in writing in form satisfactory to the bank signed by or on behalf of a person claiming by virtue of the transmission stating the nature and effect of the transmission,

(b) when the claim is based on

(i) a will or other testamentary instrument or on a grant of probate thereof or on such a grant and letters testamentary or other document of like import or on a grant of letters of administration or other document

of like import, purporting to be issued by any court or authority in Canada or elsewhere, of an authenticated copy or certificate thereof under the seal of the court or authority without proof of the authenticity of the seal or other proof, or

(ii) a notarial will, of an authenticated copy thereof, and

(c) if under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, of the certificate for the share,

is sufficient justification and authority for paying any dividend and for recording and giving effect to the transmission in accordance with the claim; but nothing in this subsection shall be construed to prevent the bank from refusing to record or give effect to a transmission until there has been delivered to the bank such documentary or other evidence of or in connection with the transmission as it may deem requisite.

(2) Until the transmission has been recorded in a register of transfers of the bank, no person claiming a share by virtue thereof is entitled to receive notice of or vote at meetings of shareholders or to receive any payment in respect of such share whether by way of dividend or otherwise.

Exercise of
rights of
claimants.

52. (1) In this section and sections 53 to 57,

(a) "agent" means

(i) in relation to Her Majesty in right of Canada or in right of a province, any agent of Her Majesty in either such right and includes a municipal or public body empowered to perform a function of government in Canada or any corporation empowered to perform a function or duty on behalf of Her Majesty in either such right, but does not include an official or corporation performing a function or duty in connection with

(A) the administration or management of the estate or property of an individual, or

(B) the administration, management or investment of a fund established to provide compensation, hospitalization, medical care, annuity, pension or similar benefits to particular classes of individuals, or moneys derived from such a fund, and

Definitions.

"Agent."

(ii) in relation to the government of a foreign state or any political subdivision thereof, a person empowered to perform a function or duty on behalf of the government of a foreign state or any political subdivision thereof other than a function or duty in connection with the administration or management of the estate or property of an individual;

"Corporation."

(b) "corporation" includes an association, partnership or other organization;

"Non-resident."

(c) "non-resident" means

(i) an individual who is not ordinarily resident in Canada,

(ii) a corporation incorporated, formed or otherwise organized, elsewhere than in Canada,

(iii) the government of a foreign state or any political subdivision thereof, or an agent of either,

(iv) a corporation that is controlled directly or indirectly by non-residents as defined in any of subparagraphs (i) to (iii),

(v) a trust

(A) established by a non-resident as defined in any of subparagraphs (ii) to (iv) other than a trust for the administration of a pension fund for the benefit of individuals a majority of whom are residents, or

(B) in which non-residents as defined in any of subparagraphs (i) to (iv) have more than fifty per cent of the beneficial interest, or

(vi) a corporation that is controlled directly or indirectly by a trust defined in subparagraph (v) as a non-resident; and

"Resident."

(d) "resident" means an individual, corporation or trust that is not a non-resident.

Associated shareholder.

(2) For the purposes of sections 53 to 57, a shareholder is, except as provided by subsection (6), deemed to be associated with another shareholder if

(a) one shareholder is a corporation of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a corporation that is controlled directly or indirectly by the other shareholder;

- (d) both shareholders are corporations and one shareholder is controlled directly or indirectly by the same government in Canada, foreign government or individual or corporation that controls the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of the bank;
- (f) both shareholders are agents of Her Majesty in right of Canada or officials or corporations performing on behalf of Her Majesty in such right a function or duty in connection with the administration, management or investment of any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1);
- (g) both shareholders are agents of Her Majesty in right of the same province or officials or corporations performing on behalf of Her Majesty in right of that province a function or duty in connection with the administration, management or investment of any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1); or
- (h) both shareholders are associated within the meaning of paragraphs (a) to (g) with the same shareholder.

(3) For the purposes of this section and sections 53 to 57, a "shareholder" is a person who according to the books of the bank is the holder of one or more shares of the capital stock of the bank and a reference in sections 53 to 57 to a share being held by or in the name of any person is a reference to his being the holder of the share according to the books of the bank.

Meaning of "shareholder" and shares being held.

(4) For the purposes of sections 53 to 57, where a share of the capital stock of the bank is held jointly and one or more of the joint holders thereof is a non-resident, the share is deemed to be held by a non-resident.

Shares held jointly.

(5) Where after the coming into force of this Act a corporation or trust that was at any time a resident becomes a non-resident, any shares of the capital stock of the bank acquired by the corporation or the trust while it was a resident and held by it while it is a non-resident shall be deemed, for the purposes of sections 53 and 54, to be shares held by a resident for the use or benefit of a non-resident.

Change of status of resident corporation or trust.

(6) Notwithstanding subsection (2),

Exceptions.

- (a) where one shareholder who is a resident and who, but for this paragraph, would be deemed

to be associated with another shareholder submits to the bank a declaration stating that none of the shares of the capital stock of the bank held by him or to be held by him is or will be, to his knowledge, held in the right of, or for the use or benefit of, himself or any person with whom, but for this paragraph, he would be deemed to be associated, neither shareholder is deemed to be associated with the other so long as the shares of the capital stock of the bank from time to time held by the shareholder who made the declaration are not held contrary to the statements made in the declaration;

- (b) two shareholders that are corporations and at least one of which is a resident, shall not be deemed to be associated with each other by virtue of paragraph (h) of subsection (2) by reason only that each is deemed under paragraph (a) of that subsection to be associated with the same shareholder; and
- (c) where it appears from the register of shareholders of the bank that the total par value of the shares of the capital stock of the bank held by a shareholder is not more than five thousand dollars, he shall not be deemed to be associated with any other shareholder and no other shareholder shall be deemed to be associated with him.

Limit on
shares held
by non-
residents.

53. (1) The bank shall refuse to allow a transfer of a share of the capital stock of the bank to a non-resident to be made or recorded in a register of transfers of the bank

- (a) if, when the total number of shares of the capital stock of the bank held by non-residents exceeds twenty-five per cent of the total number of the issued and outstanding shares of such stock, the transfer would increase the percentage of such shares held by non-residents; or
- (b) if, when the total number of shares of the capital stock of the bank held by non-residents is twenty-five per cent or less of the total number of the issued and outstanding shares of such stock, the transfer would cause the total number of such shares held by non-residents to exceed twenty-five per cent of the total number of the issued and outstanding shares of such stock.

Limit on
shares held
by any
person.

(2) The bank shall refuse to allow a transfer of a share of the capital stock of the bank to any person,

including, without restricting the generality of the foregoing, an official or corporation mentioned in clause (B) of subparagraph (i) of paragraph (a) of subsection (1) of section 52, to be made or recorded in a register of transfers of the bank

(a) if, when the total number of shares of the capital stock of the bank held by such person and by other shareholders associated with him, if any, exceeds ten per cent of the total number of the issued and outstanding shares of such stock, the transfer would increase the percentage of such shares held by such person and by other shareholders associated with him, if any; or

(b) if, when the total number of shares of the capital stock of the bank held by such person and by other shareholders associated with him, if any, is ten per cent or less of the total number of the issued and outstanding shares of such stock, the transfer would cause the total number of such shares held by such person and by other shareholders associated with him, if any, to exceed ten per cent of the issued and outstanding shares of such stock.

(3) The bank shall refuse to allow a transfer of a share of the capital stock of the bank to

No shares to be transferred to a government.

(a) Her Majesty in right of Canada or in right of a province, or an agent of Her Majesty in either such right, or

(b) the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof,

to be made or recorded in a register of transfers of the bank.

(4) The bank shall not accept a subscription for a share of the capital stock of the bank

Issue of shares.

(a) by Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right or by the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof,

(b) by any person if, at the time the share is subscribed for, the total number of shares of the capital stock of the bank held by such person and by other shareholders associated with him, if any, exceeds ten per cent of the

total number of the issued and outstanding shares of such stock; or

- (c) except as otherwise provided in subsection (5), in other circumstances where if the subscription were a transfer of the share the bank would be required under subsection (1) or (2) to refuse to allow the transfer to be made or recorded; but in the case of a subscription pursuant to an offer under section 33 the bank may count as shares issued and outstanding all the shares included in the offer.

Conditional
offer of
shares.

(5) Subject to paragraphs (a) and (b) of subsection (4), where an offer of shares of the capital stock of the bank is made under section 33, the bank may accept any subscription

- (a) if the terms of the offer contain provisions to the effect that in the case of a share offered to a shareholder whose recorded address, at the time fixed for determining the shareholders to whom the offer is made, is a place within Canada and who is not at that time, to the knowledge of the bank, a non-resident, a subscription will not be accepted if the share is to be recorded in the name of a non-resident;
- (b) if the subscription is accompanied by a declaration by the subscriber
 - (i) as to whether the person in whose name the share is to be recorded is a resident or a non-resident, and
 - (ii) to the effect that the total number of shares of the capital stock of the bank that will, if the subscription is accepted, be held by such person and by other shareholders associated with him, if any, will not exceed ten per cent of the total number of the shares of the capital stock of the bank that will be issued and outstanding on the issue of all shares included in the offer; and
- (c) if, on the basis of such declaration, the acceptance of the subscription is not contrary to the terms of the offer.

Transfers by
nominees.

(6) Notwithstanding subsections (1) and (2) the bank may allow a transfer of any share of the capital stock of the bank to be made or recorded in a register of transfers where the transfer is from a resident to a non-resident and it is shown to the bank on evidence satisfactory to it that the share was on the 22nd day of September,

1964, held by the resident in the right of or for the use or benefit of the non-resident.

(7) Default in complying with the provisions of this section does not affect the validity of a transfer of a share of the capital stock of the bank that has been made or recorded in a register of transfers of the bank or the validity of the acceptance of a subscription for a share of the capital stock of the bank. Saving.

54. (1) Notwithstanding section 31, and except as provided in section 56, where a resident holds shares of the capital stock of the bank in the right of, or for the use or benefit of, a non-resident, the resident shall not, in person or by proxy, exercise the voting rights pertaining to those shares. Voting by resident nominees of non-residents prohibited.

(2) Notwithstanding section 31, and except as provided in section 56, where the total of Suspension of voting rights.

(a) the number of shares of the capital stock of the bank held in the name or right of or for the use or benefit of a person, and

(b) the number of shares of the capital stock of the bank held in the name or right of or for the use or benefit of

(i) any shareholders associated with the person mentioned in paragraph (a), or

(ii) any other person who would be deemed under subsection (2) of section 52 to be associated with the person mentioned in paragraph (a), if both he and such other person were shareholders,

exceeds ten per cent of the issued and outstanding shares of such stock,

(c) no person shall, in person or by proxy, exercise the voting rights pertaining to any of the shares referred to in paragraph (a) that are held in the name of a resident, and

(d) no person shall, in person or as proxy, exercise the voting rights pertaining to any of the shares referred to in paragraph (a) that are held in the name of a non-resident.

(3) Notwithstanding section 31, and except as provided in section 56, the voting rights pertaining to any shares of the capital stock of the bank shall not be exercised when the shares are held in the name or right of or for the use or benefit of Voting rights of shares held by government.

(a) Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right;

- (b) the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof; or
- (c) an official or corporation administering, managing or investing any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1) of section 52.

Presumption
by person
acting as
proxy.

(4) Where it appears from the register of shareholders of the bank that the total par value of the shares of the capital stock of the bank held by a shareholder is not more than five thousand dollars, a person acting as proxy for the shareholder at a general meeting of the bank is entitled to assume that the shareholder holds the shares in his own right and for his own use and benefit, unless the knowledge of the person acting as proxy is to the contrary.

Effect of
contra-
vention.

(5) If any provision of this section is contravened at a general meeting of the shareholders of the bank, no proceeding, matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within nine months from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the shareholders.

By-laws.

55. (1) The directors may make such by-laws as they deem necessary to carry out the intent of sections 52 to 57 and in particular, but without restricting the generality of the foregoing, the directors may make by-laws

- (a) requiring any person in whose name a share of the capital stock of the bank is held to submit a declaration
 - (i) with respect to the ownership of such share,
 - (ii) with respect to the place in which the shareholder and any person in whose right or for whose use or benefit the share is held are ordinarily resident,
 - (iii) whether the shareholder is associated with any other shareholder, and
 - (iv) with respect to such other matters as the directors may deem relevant for the purposes of sections 52 to 57;
- (b) requiring any person desiring to have a transfer of a share to him made or recorded in a register of transfers of the bank or desiring to subscribe for a share of the capital stock of the bank to submit such a declaration as may be required

pursuant to this section in the case of a shareholder; and

- (c) providing for the determination of the circumstances in which any declarations shall be required, their form and the times at which they are to be submitted.

(2) Where pursuant to any by-law made under subsection (1) any declaration is required to be submitted by any shareholder or person in respect of the transfer of or subscription for any share, the bank may refuse to allow such transfer to be made or recorded in a register of transfers of the bank or to accept such subscription without the submission of the required declaration.

Where
declaration
pending.

(3) The bank and any person who is a director, officer, employee or agent of the bank, may rely upon any information contained in a declaration required by the bank pursuant to this section or any information otherwise acquired in respect of any matter that might be the subject of such a declaration; and no action lies against the bank or any such person for anything done or omitted in good faith in reliance upon any such information.

Reliance
upon
information.

(4) Where for any of the purposes of section 53, the bank requires to establish the total number of shares of the capital stock of the bank held by non-residents, the bank may calculate the total number of such shares held by non-residents to be the total of

Computing
non-resident
holdings.

- (a) the number of shares held by all shareholders whose recorded addresses are places outside Canada; and

- (b) the number of shares held by all shareholders each of whose aggregate individual holdings of such shares has a par value of more than five thousand dollars and whose recorded addresses are places within Canada but who to the knowledge of the bank are non-residents;

and such calculation may be made as of a date not earlier than the day of commencement of this Act or four months before the day on which the calculation is made, whichever is the later date.

(5) Where by any calculation made under subsection (4) the total number of shares held by non-residents is under twenty-five per cent of the total issued and outstanding shares of the capital stock of the bank, the number of shares the transfer of which by residents to non-residents the bank may allow to be made or recorded in the registers of transfers of the bank shall be so limited as not to increase the total number of shares held by non-residents to more than twenty-five per cent of the total issued and outstanding shares of the capital stock of the bank.

Limiting
transfers.

Exception
for small
holdings.

(6) Notwithstanding subsections (1) and (2) of section 53, where in the case of a transfer of any shares of the capital stock of the bank to a transferee it appears that

- (a) the aggregate par value of all shares of the capital stock of the bank held by the transferee as shown by the register of shareholders of the bank at a date not more than four months earlier is not more than five thousand dollars, and
- (b) the aggregate par value of the shares included in the transfer and any shares acquired by the transferee after the date mentioned in paragraph (a) and still held by him as shown by the register of transfers of the bank in which it is sought to have the transfer made or recorded is not more than five thousand dollars,

the bank is entitled to assume that the transferee is not and will not be associated with any other shareholder and, unless the address to be recorded in the register of shareholders of the bank for the transferee is a place outside Canada, that he is a resident.

Definitions.

"Associates
of the non-
resident."

56.

- (1) In this section,
- (a) "associates of the non-resident" means, with reference to any particular day,
 - (i) any shareholders associated with the non-resident on that day, and
 - (ii) any persons who would, under subsection (2) of section 52, be deemed to be shareholders associated with the non-resident on that day if both he and such persons were shareholders;

"Associates
of the
resident."

- (b) "associates of the resident" means, with reference to any particular day,
 - (i) any shareholders associated with the resident on that day, and
 - (ii) any persons who would, under subsection (2) of section 52, be deemed to be shareholders associated with the resident on that day if both he and such persons were shareholders;

"Prescribed
day."

- (c) "prescribed day" means the 17th day of February, 1965;

"Shares held
by or for the
non-resident
and
associates."

- (d) "shares held by or for the non-resident and associates" means, with reference to any particular day, the aggregate number of shares held on that day in the name or right of or for the use or benefit of the non-resident and associates of the non-resident on that day;

- (e) "shares held by or for the resident and associates" means, with reference to any particular day, the aggregate number of shares held on that day in the name or right of or for the use or benefit of the resident and associates of the resident on that day.

"Shares held by or for the resident and associates."

(2) Where more than twenty-five per cent of the issued and outstanding shares of the capital stock of the bank were held on the 22nd day of September, 1964, in the name or right of or for the use or benefit of any one non-resident, the bank, so long as the total number of shares of the capital stock of the bank held by non-residents exceeds twenty-five per cent of the total number of issued and outstanding shares of the capital stock of the bank,

Non-resident ownership of bank.

- (a) shall refuse to allow a transfer of a share of the capital stock of the bank to a non-resident to be made or recorded in a register of transfers of the bank unless the transfer is from a non-resident to any associates of the non-resident; and

(b) shall not accept a subscription for a share of the capital stock of the bank by a non-resident; but if at any time after the 22nd day of September, 1964, there is no one person in whose name or right or for whose use or benefit more than ten per cent of the issued and outstanding shares of the capital stock of the bank are held, this subsection ceases thereafter to have any force or effect.

(3) Where at the commencement of the prescribed day the number of shares of the capital stock of the bank held in the name or right of or for the use or benefit of a resident together with the number of such shares, if any, held at the commencement of that day in the name or right of or for the use or benefit of any associates of the resident exceeded ten per cent of the number of shares of the capital stock of the bank at that time issued and outstanding, the voting rights pertaining to the shares held in the name or right of or for the use or benefit of the resident may, notwithstanding subsection (2) of section 54, be exercised, in person or by proxy, so long as the percentage of such shares held by or for the resident and associates does not exceed either the percentage of such shares held by or for the resident and associates at the commencement of the prescribed day or the smallest percentage of such shares held by or for the resident and associates on any subsequent day; but this subsection shall not be construed to prohibit the exercise of voting rights in circumstances where section 54 does not apply.

Exception for individual resident and associate holdings.

(4) Where on the 22nd day of September, 1964, the number of shares of the capital stock of the bank held

Exception for individual non-resident and associate holdings.

in the name or right of or for the use or benefit of a non-resident together with the number of such shares, if any, held on that day in the name or right of or for the use or benefit of any associates of the non-resident exceeded ten per cent of the number of shares of the capital stock of the bank at that time issued and outstanding, the voting rights pertaining to the shares held in the name or right of or for the use or benefit of the non-resident may, notwithstanding subsection (2) of section 54, be exercised, in person or by proxy, so long as the percentage of such shares held by or for the non-resident and associates does not exceed either the percentage of such shares held by or for the non-resident and associates on the 22nd day of September, 1964, or the smallest percentage of such shares held by or for the non-resident and associates on any subsequent day; but this subsection shall not be construed to prohibit the exercise of voting rights in circumstances where section 54 does not apply.

Transfers by
nominees.

(5) Notwithstanding subsections (2) and (3) of section 53, the bank may allow a transfer of a share of the capital stock of the bank to be made or recorded in a register of transfers of the bank where the transfer is to

- (a) Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right,
- (b) the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof, or
- (c) a resident,

if it is shown to the bank on evidence satisfactory to it that the share was at the commencement of the prescribed day held in the right of or for the use or benefit of the transferee.

Voting
rights on
non-resident
holdings
acquired
after 22nd
September,
1964.

(6) If, at any time after the 22nd day of September, 1964, and before the coming into force of section 53, the bank allowed to be made or recorded in a register of transfers of the bank a transfer of any share of the capital stock of the bank to a non-resident that it would have been required to refuse under section 53 had that section come into force on the 23rd day of September, 1964, no person shall, in person or as proxy, exercise the voting rights pertaining to such share until such time as the share is transferred to a resident, unless

- (a) the total par value of all shares of the capital stock of the bank held by the non-resident is not more than five thousand dollars, or
- (b) the percentage of the shares of the capital stock of the bank held by non-residents on the

day of commencement of this Act does not exceed

- (i) twenty-five per cent, or
- (ii) the percentage of such shares held by non-residents on the 22nd day of September, 1964, if such percentage was that day greater than twenty-five per cent, and the total number of such shares held by or for the non-resident and associates does not exceed ten per cent of the total number of the issued and outstanding shares of the capital stock of the bank;

but nothing in this subsection shall be construed to permit any person to exercise the voting rights pertaining to a share of the capital stock of the bank that is held in the name of the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof, if the transfer of the share to the holder was made or recorded in a register of transfers of the bank on or after the prescribed day.

(7) Where at the commencement of the prescribed day any share of the capital stock of the bank was held in the name or right of or for the use or benefit of

Shares held on prescribed day by government or fund.

- (a) Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right; or
- (b) an official or corporation administering, managing or investing any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1) of section 52;

the voting rights pertaining to the share so held may be exercised, in person or by proxy, so long as the share is held in such name or right or for such use or benefit.

(8) For the purposes of subsection (6), the total number of shares of the capital stock of the bank held by non-residents on the 22nd day of September, 1964, or on any day thereafter to and including the day of commencement of this Act, may be calculated, in respect of any of those days, in the same manner as the total number of such shares may be calculated under subsection (4) of section 55.

Calculation of non-resident shareholders.

57. (1) Where a bank is incorporated on or after the prescribed day, as defined in paragraph (c) of subsection (1) of section 56, the bank, with the prior approval of the Governor in Council, may, either before or after the first general meeting of the shareholders of the bank, accept subscriptions for shares by residents without regard to the

Exception for new banks.

provisions of section 53, but no such subscriptions for shares may be accepted by the bank except in accordance with and subject to such terms and conditions as the Governor in Council may by order prescribe.

Voting
rights.

(2) Notwithstanding subsection (2) of section 54, the voting rights pertaining to any shares of the capital stock of the bank acquired through the acceptance of a subscription pursuant to subsection (1) of this section and held in the name of and for the use or benefit of a resident may be exercised by or on behalf of the holder thereof in accordance with and subject to such terms and conditions as the Governor in Council may by order prescribe.

SHARES SUBJECT TO TRUSTS.

Bank not
bound to
see to trusts.

58. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its capital stock is subject.

Receipt.

(2) Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of section 95, by some other person, the receipt of the person in whose name any share stands in the books of the bank or, if it stands in the names of more persons than one, the receipt of one of such persons is a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of the share, and the bank is not bound to see to the application of the money paid upon such receipt, whether given by one of such persons or all of them.

Executor
or trustee
not
personally
liable.

59. (1) No person holding shares of the capital stock of the bank as executor, administrator, guardian, trustee, tutor or curator

(a) of or for any estate, trust or person named in the books of the bank as being represented by him, or

(b) if the will or other instrument under or by virtue of which the shares are so held is named in the books of the bank in connection with such holding,

is personally subject to any liability as a shareholder for unpaid subscriptions for shares; but the estate and funds in his hands are liable in like manner and to the same extent as the testator, intestate, ward or person interested in such estate and funds would be, if living and competent to hold the shares in his own name.

*Cestui que
trust
liable.*

(2) Where the trust is for an individual or corporation, such individual or corporation is also liable as a shareholder to the extent of his or its respective interest in the shares.

(3) Where the estate, trust or person so represented, or will or other instrument, is not named in the books of the bank, the executor, administrator, guardian, trustee, tutor or curator is personally liable in respect of the shares as if he held them in his own name as owner thereof.

Executor or trustee liable where trust not named.

ANNUAL AND OTHER STATEMENTS.

60. (1) The financial year of the bank shall end on the expiration of the 31st day of October in each year, but when the approval permitting it to commence business is obtained by a bank after the first day of May in any year and after the coming into force of this Act, the first financial year of the bank shall end on the expiration of the 31st day of October in the next calendar year.

Financial year.

(2) At every annual general meeting of the shareholders, the outgoing directors shall submit a statement (hereinafter called the "annual statement"), which shall present fairly the financial position of the bank for the financial year immediately preceding the meeting, and shall contain

Statement required at annual general meeting.

- (a) a statement of assets and liabilities of the bank as at the end of the financial year, showing the information in the form specified in Schedule N and such additional information and particulars as in the opinion of the directors are necessary to present fairly the financial position of the bank,
 - (b) a statement of revenue, expenses and undivided profits of the bank for the financial year, showing the information in the form specified in Schedule O and such additional information and particulars as in the opinion of the directors are necessary to present fairly the balance available for distribution of profits earned in the financial year, and
 - (c) a statement of accumulated appropriations for losses of the bank for the financial year, showing the information in the form specified in Schedule P and such additional information and particulars as in the opinion of the directors are necessary to present fairly the amount of appropriations available to meet losses other than those for which specific provisions have been made.
- (3) The annual statement shall be signed
- (a) on behalf of the board of directors, by the chairman or a vice-chairman or a deputy chairman of the board or the president or a

How statement signed.

vice-president who is a director or two other directors, and

- (b) by the general manager or a person duly authorized to sign in the place of the general manager.

Statement of
controlled
corporations.

(4) Where the bank carries on any part of its operations in the name of a corporation controlled by the bank, there shall be annexed to the annual statement a statement of assets and liabilities of the corporation, which shall

- (a) present fairly the financial position of the corporation as at the end of its financial year ending within the financial year of the bank to which the annual statement relates, and
(b) show the value at which the interest of the bank in the corporation is shown on the books of the bank as at the end of the said financial year of the corporation,

unless

- (c) the corporation carries on the business of banking outside of Canada,
(d) the bank owns all the issued and outstanding capital stock of the corporation except the qualifying shares of directors, and
(e) in the annual statement the assets and liabilities of the corporation are consolidated with those of the bank and attention is drawn to the consolidation by way of footnote.

To be mailed
to share-
holders.

(5) The directors shall, within forty-five days after the annual general meeting, mail to each shareholder at his recorded address a copy of the minutes of the meeting and a copy of the annual statement and any statements annexed thereto, and within the same time the directors shall mail a certified copy of the minutes and statements to the Minister.

Amendment
of
Schedules.

(6) The Governor in Council may amend Schedules N, O and P.

Additional
statements.

61. The directors shall, in addition to the annual statement, submit to the shareholders such other statements of the affairs of the bank in such manner and at such times as the shareholders by by-law require.

Depreciation
of bank
premises.

62. In any statement or return of the bank, an amount that, with the approval of the shareholders at any annual or special general meeting, has been appropriated out of profits to write-down the valuation of its bank premises, shall not be taken into account for any other purpose unless and until the shareholders in like manner approve thereof.

SHAREHOLDERS' AUDIT.

63. (1) The affairs of the bank shall be audited by two auditors appointed in accordance with this section, each of whom at the time of his appointment is an accountant who

Auditors.

(a) is a member in good standing of an institute or association of accountants incorporated by or under the authority of the legislature of a province;

Qualification.

(b) is ordinarily resident in Canada; and

(c) has practised his profession in Canada continuously during the six consecutive years immediately preceding his appointment.

(2) The shareholders shall, at each annual general meeting, appoint two persons having the qualifications specified in subsection (1), but not being members of the same firm, to be the auditors of the bank until the next ensuing annual general meeting, but if the same two persons or if members of the same two firms have been appointed for two consecutive years as auditors of the bank, one such person or a member of his firm shall not be appointed as auditor of the bank for the period of two years next following the term for which he was last appointed; and no person shall be so appointed if he or a member of his firm is a director, officer or employee of the bank.

Appointment.

(3) The Minister may at any time revoke the appointment of an auditor by notice in writing signed by the Minister and sent by registered mail addressed to the auditor at his usual place of business and shall at the same time furnish a copy thereof to the bank.

Minister may revoke appointments.

(4) An auditor ceases to hold office

Disqualification.

(a) on the day on which a notice is mailed to him under subsection (3), or

(b) if he or a member of his firm becomes a director, officer or employee of the bank.

(5) When a vacancy occurs in the office of auditor of a bank, the bank shall forthwith give notice thereof to the Minister, who shall appoint a person having the qualifications specified in subsection (1) to be an auditor of the bank until the next ensuing annual general meeting.

Vacancy.

(6) The shareholders shall, at the time they appoint the auditors, fix their remuneration, and when a vacancy occurs in the office of auditor and is filled under this section, the remuneration so fixed shall be divided, in such manner as the directors determine, amongst the person originally appointed or his legal representative, the continuing auditor and the person appointed to fill the vacancy.

Remuneration.

Access to
books, etc.

(7) The auditors of the bank have a right of access to the books, minutes, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank, and are entitled to require such information and explanations as they deem necessary for the performance of their duties as auditors.

Minister
may require
report on
procedure.

(8) The Minister may require that the auditors of the bank shall report to him upon the adequacy of the procedure adopted by the bank for the safety of its creditors and shareholders, and as to the sufficiency of their own procedure in auditing the affairs of the bank.

Minister
may enlarge
audit.

(9) The Minister may enlarge or extend the scope of the audit or direct any other or particular examination to be made or procedure to be established in any particular case as, in his opinion, the public interest may require, and the bank shall, in respect thereof, pay to the auditor such remuneration, in addition to that fixed under subsection (6), as the Minister allows.

Report by
auditors.

(10) It is the duty of the auditors to report individually or jointly as they see fit to the president and general manager in writing any transactions or conditions affecting the well-being of the bank that in their opinion are not satisfactory and require rectification, and without restricting the generality of this requirement, they shall as occasion requires make a report to the president and general manager with respect to

(a) transactions of the bank that have come under their notice which, in their opinion, have not been within the powers of the bank, and

(b) loans owing to the bank by any person the aggregate amount of which exceeds one-half of one per cent of the paid-up capital and rest account of the bank, in respect of which, in their opinion, loss to the bank is likely to occur;

but when a report required by paragraph (b) has been made in respect of loans to any person it is not necessary to report again in respect of loans to that person unless in the opinion of the auditors the amount of the loss likely to occur has increased.

Transmission
of report.

(11) Where the auditors make a report under subsection (10) they shall transmit it, in writing, to the president and general manager of the bank and the report shall be presented to the meeting of the directors next ensuing after it has been received and it shall be incorporated in the minutes thereof; and the auditors shall, at the time of transmitting the report to the president and general manager, furnish a copy of the report to the Minister.

Report to
shareholders.

(12) The auditors shall make a report to the shareholders on the statement of assets and liabilities, the

statement of revenue, expenses and undivided profits and the statement of accumulated appropriations for losses of the bank to be submitted by the directors under section 60.

(13) The auditors' report shall state whether, in their opinion, the statements referred to in the report present fairly the financial position of the bank as at the end of the financial year, its revenue, expenses and undivided profits for the year and its accumulated appropriations for losses for the year, and shall include such remarks as they consider necessary in any case where

Content of report.

- (a) they have not obtained all the information and explanations that they have required; or
- (b) the statements referred to in their report are not as shown by the books of the bank.

(14) The auditors' report shall be attached to the annual statement submitted by the directors to the shareholders at the annual general meeting.

Submission of report to shareholders.

(15) The auditors of the bank shall, if required by the shareholders, audit and report to the shareholders upon any statement submitted by the directors to the shareholders, and the report shall state whether, in their opinion, the statement presents fairly the information required by the shareholders.

Audit and report for shareholders.

(16) A report of the auditors made under subsection (15) shall be attached to the statement to which it relates and a copy of the statement and report shall be mailed by the directors to every shareholder at his recorded address and to the Minister.

Mailing of report.

(17) Where the bank carries on any of its operations in the name of a corporation controlled by the bank, the auditors of the bank shall be the auditors of the corporation and the bank shall take all necessary steps to ensure that they are appointed auditors of the corporation accordingly but this subsection does not apply in the case of a corporation controlled by the bank that carries on its operations in a country other than Canada if the law of that country makes provision with respect to auditors.

Audit of controlled corporations.

(18) A reference in any Act or any regulation or order thereunder to a list of auditors required to be furnished to the Minister under this Act or to any auditor on such list shall be construed as a reference to an auditor who has the qualifications specified in subsection (1).

Reference in other Acts.

INSPECTION.

64. (1) The Governor in Council on the recommendation of the Minister shall appoint a person, who in his opinion has had proper training and experience to carry out section 65, to be the Inspector General of Banks.

Inspector General of Banks.

Tenure of
office.

(2) The Inspector shall be appointed to hold office during good behaviour, but may be removed from office by the Governor in Council for misbehaviour or incapacity, inability or failure to perform his duties properly.

Tabling
reasons.

(3) Where the Inspector is removed from office the order in council providing for the removal and documents relating thereto shall be laid before Parliament within fifteen days after the making of the order or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Services for
compensation.

(4) The Inspector while holding office shall not perform any service for compensation other than the service rendered by him under section 65 unless he has first informed the Minister in writing of his intention to do so.

Temporary
Inspector.

(5) The Minister may direct some other competent person to perform temporarily the duties of the Inspector in the event that the Inspector by reason of absence, illness or other incapacity is unable to perform the duties of Inspector or in the event of a vacancy in the office of Inspector.

Salary and
status of
Inspector.

(6) The Inspector shall be paid a salary fixed by the Governor in Council on the recommendation of the Minister and shall be an officer of the Department of Finance, but the provisions of the *Public Service Employment Act* do not apply to him.

Borrowing
from banks.

(7) The Inspector and any person temporarily performing the duties of the Inspector shall not borrow money from a bank unless he has first informed the Minister in writing of his intention to do so.

Officers and
employees.

(8) Such other officers and employees as are necessary for the proper conduct of the duties of the Inspector shall be appointed in the manner authorized by law.

Examination
and inquiry
into affairs of
banks.

65. (1) The Inspector, from time to time, but not less frequently than once in each calendar year, shall make or cause to be made, such examination and inquiry into the affairs or business of the bank as he may deem to be necessary or expedient, and for such purposes take charge on the premises of the assets of the bank or any portion thereof, if the need should arise, for the purposes of satisfying himself that the provisions of this Act having reference to the safety of the creditors and shareholders of the bank are being duly observed and that the bank is in a sound financial condition, and at the conclusion of each examination and inquiry shall report thereon to the Minister.

Report.
Verification
of cash
reserve
returns.

(2) In addition to any report under subsection (1) the Inspector shall annually certify to the Minister and to the Governor of the Bank of Canada, whether in his

opinion the returns that have been submitted by the banks under section 104 are correct.

(3) The Inspector, or person acting under his direction, has a right of access to the books, minutes, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank, and is entitled to require the directors, officers and auditors of the bank to furnish such information and explanations in such form as he may require.

Access to
books and
accounts, etc.

(4) The Inspector has all the powers conferred upon a commissioner appointed under Part II of the *Inquiries Act* for the purpose of obtaining evidence under oath, and may delegate such powers as occasion may require.

Power of
commissioner
under
Inquiries Act.

66. All salaries, remuneration and other expenses incidental to carrying out section 65 shall be paid out of such moneys as may be appropriated by Parliament therefor, and the Consolidated Revenue Fund shall be recouped after the end of each calendar year for such outlay by an assessment upon the banks based upon the average total assets of the banks, respectively, during the year, as shown by the monthly returns made by the banks to the Minister under section 103, and such assessment shall be paid by the banks.

Expenses to
be recouped
from banks.

67. Her Majesty is not liable to any creditor or shareholder of any bank, or to any other person, for any damages, payment, compensation or indemnity that he may suffer or claim

No liability
under section
65.

(a) by reason of section 65, anything therein contained, or anything done or omitted to be done under the requirements thereof, or

(b) by reason of any default, negligence, mistake, error or omission in the administration or discharge of the powers or duties that in any circumstances are by section 65 intended or authorized to be executed or performed,

and no such payment, damages, compensation or indemnity, nor any claim therefor, shall in any case be authorized, paid or entertained by Her Majesty.

68. (1) The Inspector or any other person appointed or employed under section 64 shall not accept or receive, directly or indirectly, any grant or gratuity from a bank or from any director, officer or employee of a bank, and no bank and no director, officer or employee of a bank shall make or give any such grant or gratuity.

No grant or
gratuity to
be made to
Inspector or
his officers.

Secrecy.

(2) The Inspector or any other person appointed or employed under section 64 or any person to whom any powers are delegated under subsection (4) of section 65 shall not disclose to any other person, except the Minister, the Deputy Minister of Finance or the Governor of the Bank of Canada, or a representative of the latter if authorized by him in writing, any information regarding the business or affairs of a bank.

APPROPRIATIONS FOR LOSSES.

Report on
excess appro-
priations.

69. (1) Where in the opinion of the Minister an amount set aside or reserved by the bank out of income, either by way of write-down of the value of assets or appropriation for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises or other contingencies, is in excess of the reasonable requirements of the bank, having regard to all the circumstances, the Minister shall notify the Minister of National Revenue of the amount so set aside and of the amount of such excess.

Discretion
of directors
not affected.

(2) Nothing in subsection (1) shall be construed to give the Minister any jurisdiction over the discretion of the directors of the bank with regard to amounts set aside, reserved or transferred to any reserve or other account from income upon which taxes have been assessed under any Act of the Parliament of Canada imposing a tax upon or in respect of income.

DIVIDENDS.

Declaration
of dividends.

70. (1) Subject to this Act and the by-laws, the directors of the bank may declare a dividend of so much of the profits of the bank as they consider advisable, and shall fix the day for payment thereof.

Notice.

(2) The directors shall give public notice of the payment of a dividend published for at least four weeks prior to the day fixed for payment thereof.

Where
payable.

(3) A dividend is due and payable on and after the day fixed for payment thereof at the head office of the bank and at such other places as the directors prescribe.

Closing of
registers of
transfers.

(4) The directors may close the registers of transfers for a period, not exceeding fifteen days, before the payment of a dividend.

Dividend
not to impair
capital.

71. (1) No dividend or bonus shall be declared
(a) while the paid-up capital of the bank is im-
paired, or
(b) if as a result thereof the paid-up capital of the
bank would be impaired.

(2) The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus contrary to subsection (1) are jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank.

Directors
liable for
such
dividend.

(3) No division of profits exceeding the rate of eight per cent per annum on the paid-up capital stock of the bank shall be made by the bank unless after making the division the bank has a rest account equal to at least thirty per cent of its paid-up capital stock after making all necessary provisions for ascertained and estimated diminution in the value of assets.

Limitation
on dividend.

(4) The directors who knowingly and wilfully concur in any division of profits contrary to subsection (3) are jointly and severally liable for the amount so divided, as a debt due by them to the bank.

Personal
liability
of directors.

CASH AND SECONDARY RESERVES.

72. (1) The bank shall maintain a cash reserve in the form of notes of, and deposits in Canadian currency with, the Bank of Canada, and such reserve shall be not less on the average during any month than an amount equal to

Cash
reserve.

(a) twelve per cent of such of its deposit liabilities as are payable on demand in Canadian currency; and

(b) four per cent of such of its deposit liabilities as are payable after notice in Canadian currency.

(2) Notwithstanding subsection (1), upon the coming into force of this Act, the cash reserve percentage shall be

Cash reserve
percentage.

(a) eight per cent of the deposit liabilities referred to in paragraph (a) of subsection (1) for a period of two months and thereafter it shall be increased by one-half of one per cent in each month of the succeeding eight months; and

(b) eight per cent of the deposit liabilities referred to in paragraph (b) of subsection (1) for a period of two months and thereafter it shall be decreased by one-half of one per cent in each month of the succeeding eight months.

(3) Notwithstanding subsection (1), the cash reserve to be maintained by the bank pursuant to subsection (1) in any month following the twelfth month after the coming into force of this Act shall, if so required by the Bank of Canada, be not less on the average during each of the two separate periods comprised of the first fifteen days of that month and the remaining days of that month than

Twice
monthly
averaging.

the amount specified in subsection (1); and in the event of such a requirement, the Bank of Canada shall make its requirement apply generally to all banks, give written notice of its action specifying the months to which the requirement applies, publish such notice forthwith in the *Canada Gazette* and mail a copy of the notice to all banks not less than thirty days before the first day of the first of the months so specified, and may, at any time by advice notified in the same manner, reduce in number the months to which the requirement applies.

Secondary
reserve.

(4) The bank, if so required by the Bank of Canada, shall maintain a secondary reserve, in addition to its cash reserve, in the form of

- (a) notes of, and deposits in Canadian currency with, the Bank of Canada,
- (b) treasury bills of Canada payable in Canadian currency and issued for a term of one year or less, or
- (c) day loans to investment dealers with whom the Bank of Canada is prepared to enter into purchase and resale agreements payable on demand in Canadian currency and secured by assets that are eligible for security under such agreements,

and such reserve shall be not less on the average during any month than such percentage, as may be fixed under the provisions of subsection (2) of section 18 of the *Bank of Canada Act*, of such of its deposit liabilities as are payable in Canadian currency.

Bank
debentures.
Determining
reserves.

(5) Bank debentures are not deposit liabilities.

(6) For the purpose of determining the amount of the reserves required to be maintained by a bank during any month mentioned in subsection (1) or (4) or any period mentioned in subsection (3)

- (a) the amount of its deposit liabilities payable in Canadian currency shall be the average of such deposit liabilities at the close of business on Wednesday in each of the four consecutive weeks ending with the last Wednesday but one in the preceding month;
- (b) the amount of Bank of Canada notes held by the bank shall be the average holdings of such notes at the close of business on Wednesday in each of the four consecutive weeks ending with the last Wednesday but one in the preceding month;
- (c) the amount of its deposit with the Bank of Canada shall be the average amount of such deposit at the close of business on each juridical

day of the month or the period, as the case may be;

(d) the amount of its treasury bills of Canada shall be the average amount of such treasury bills at the close of business on each juridical day of the month; and

(e) the amount of its day loans to investment dealers shall be the average amount of such day loans at the close of business on each juridical day of the month.

(7) The bank shall maintain adequate and appropriate assets against liabilities payable in foreign currencies. Assets
against
foreign
liabilities.

NOTES.

73. (1) Where the bank has issued its notes for circulation in a country outside Canada, it is liable to redeem them at par at any branch of the bank in that country and, except as provided in subsection (2), not elsewhere. Redemption
of notes.

(2) Where the bank has issued its notes for circulation in a country outside Canada and ceases to have a branch in that country without making arrangements for the redemption in that country of the notes, the bank is liable to redeem them at the head office of the bank in Canadian currency at a rate of exchange to be established for the purpose by the Minister. Idem.

(3) Where the bank has issued its notes for circulation in a country outside Canada, and under the laws in force in that country the bank is permitted or required to redeem the notes by a payment to a designated authority in that country, such a payment, if approved by the Minister, discharges the liability of the bank in respect of the notes. Idem.

(4) Notwithstanding any other Act, the Bank of Canada is liable to redeem the notes of each bank specified in Schedule R issued for circulation in Canada upon presentation thereof at the head office of the Bank of Canada. Idem.

DESTRUCTION OF OLD RECORDS.

74. (1) Except as provided in subsection (4) of section 94, the bank may destroy books, records, documents, vouchers, paid instruments and papers in its possession where they are dated or were in existence or contain entries or writings made, more than fifteen years prior to the destruction. Destruction
of records.

(2) Except as provided in subsection (3), in any action or proceeding the liability of the bank shall be determined by reference only to evidence of matters that Evidence.

have arisen or things that have occurred, including books and records or the portions thereof, and documents, vouchers, paid instruments and papers that are dated or came into existence, or that contain entries or writings made, during the period of fifteen years immediately preceding the commencement of the action or proceeding.

Idem.

(3) In any action or proceeding to establish the ownership of shares of capital stock of the bank, such ownership shall be determined by reference only to evidence of matters that have arisen or things that have occurred, including books and records, or the portions thereof, and documents, vouchers, paid instruments and papers that are dated or came into existence or that contain entries or writings made during the period of fifteen years immediately preceding the commencement of the action or proceeding, excepting the register of shareholders of the bank.

Statute of limitations.

(4) Nothing in subsection (1), (2) or (3) affects the operation of any statute of limitation or prescription or the right of the bank to destroy any books, records, documents, vouchers, paid instruments or papers not specified in subsection (4) of section 94 or relieves the bank from any liability to the Bank of Canada in respect of any debt or instrument to which subsection (1) of section 94 applies.

BUSINESS AND POWERS OF BANK.

General.

Business and powers of bank.

- 75.** (1) The bank may
- (a) open branches;
 - (b) acquire, deal in, discount and lend money and make advances upon the security of, and take as security for any loan or advance made by the bank or any debt or liability to the bank, bills of exchange, promissory notes and other negotiable instruments, coin, gold and silver bullion and securities;
 - (c) subject to subsection (3), lend money and make advances upon the security of, and take as security for any loan or advance made by the bank or any debt or liability to the bank, any real or personal, immovable or movable property, except shares of the capital stock of the bank on which the bank has a privileged lien under subsection (1) of section 83, but no such security is effective in respect of any personal or movable property that at the time the security is taken is, by any statutory law that

was in force on the first day of July, 1923, exempt from seizure under writs of execution;

(d) lend money and make advances without security; and

(e) engage in and carry on such business generally as appertains to the business of banking.

(2) Except as authorized by or under this Act, Prohibitions.
the bank shall not, directly or indirectly,

(a) issue or re-issue notes of the bank payable to bearer on demand and intended for circulation;

(b) deal in goods, wares and merchandise or engage in any trade or business;

(c) acquire, deal in or lend money or make advances upon the security of shares of the capital stock of the bank or any other bank;

(d) lend money or make advances to or on the guarantee of the general manager or any officer or employee subordinate to the general manager

(i) without the consent of the directors, if the principal amount outstanding of loans and advances made to and guaranteed by him, together with the proposed loan or advance, exceeds five thousand dollars, or

(ii) if the principal amount outstanding of loans and advances made to and guaranteed by him, together with the proposed loan or advance, exceeds twenty-five thousand dollars;

(e) lend money or make advances in a principal amount exceeding five per cent of its paid-up capital to a director of the bank or to any firm or corporation of which a director or the general manager of the bank is a member or shareholder without the consent of two-thirds of the directors present at a regular meeting of the board or a meeting of the board specially called for the purpose;

(f) except with the consent of the Minister, contribute to any guarantee or pension fund if any part of the fund has, at any time after the coming into force of this Act, been invested in shares of the capital stock of a bank; or

(g) at any time after the 31st day of December, 1967, or after such later day, not being a day later than the 31st day of December, 1972, as may be prescribed from time to time by the Governor in Council, have outstanding total liabilities (including paid-up capital, rest account and undivided profits) exceeding twenty

times its authorized capital stock if more than twenty-five per cent of its issued shares are held by any one resident or non-resident shareholder and his associates as described in section 56.

Limit on
single
mortgages.

(3) Where the bank lends money or makes an advance upon the security of real or immovable property in Canada or of an equity of redemption therein or of an assignment of or mortgage on the interest of a lessee thereof, the amount of the loan or advance shall not be more than seventy-five per cent of the value of such property or interest at the time the loan or advance is made, less the amount then outstanding of any mortgage or hypothec having an equal or prior claim against such property or interest, but this subsection does not apply in respect of

- (a) a loan or advance made or guaranteed under the *National Housing Act, 1954*, or any other Act by or pursuant to which a different limit on the value of property on the security of which the bank may lend money or make advances is prescribed; or
- (b) the acquisition by the bank from a corporation of securities issued or guaranteed by the corporation that are secured on any property, whether in favour of a trustee or otherwise, or the making of a loan or advance by the bank to the corporation against the issue of such securities.

Limit on
total
residential
mortgages.

(4) The total principal amount outstanding, on the expiration of any financial year of the bank, of all loans and advances that are made by the bank on the security of real or immovable property in Canada comprising existing buildings that are used, or buildings in the process of construction that are to be used, to the extent of at least one-half of the floor space thereof, as private dwellings either by the owners or by lessees under leases for terms of at least one month, other than loans or advances made or guaranteed under any Act of the Parliament of Canada other than this Act, shall not exceed the lesser of

- (a) an amount equal to ten per cent of the total at that time of the deposit liabilities of the bank payable in Canadian currency and its outstanding bank debentures; or
- (b) the amount obtained by
 - (i) multiplying the total at that time of the deposit liabilities of the bank payable in Canadian currency and its outstanding bank debentures by the figure derived

(A) in the case of a bank incorporated before the coming into force of this Act, by adding to two the number of financial years of the bank completed after the 31st day of October, 1965, or

(B) in the case of a bank incorporated after the coming into force of this Act, by adding to two the number of financial years of the bank completed after the bank has been permitted under section 13 to commence business, and

(ii) dividing the product obtained by one hundred.

(5) A director of the bank shall not be present or vote at a meeting of the board during the time at the meeting when a loan or advance to himself or a firm of which he is a member or a corporation of which he is a director is under consideration, unless the loan or advance is to a bank service corporation as defined in subsection (9) of section 76 or to a corporation controlled by the bank, all the issued and outstanding capital stock of which, except the qualifying shares of directors, is owned by the bank.

Loans to directors.

(6) No officer or employee of the bank shall act as agent for any insurance company or for any person in the placing of insurance, nor shall the bank exercise pressure upon a borrower to place insurance for the security of the bank in any particular insurance agency, but nothing in this subsection precludes the bank from requiring such insurance to be placed with an insurance company approved by it.

Not to act as agent for insurance company.

76. (1) Except as provided in this section, the bank shall not own shares of the capital stock of

Ownership of corporate stock.

(a) a Canadian corporation, other than a trust or loan corporation,

(i) in any number that would, under the voting rights attached to the shares owned by the bank, permit the bank to vote more than fifty per cent of the total votes that could, under the voting rights attached to all the shares of the corporation issued and outstanding, be voted by the holders thereof, in any case where the total amount paid or agreed to be paid by the bank for such of the shares of the corporation as have voting rights attached thereto, is five million dollars or less, or

- (ii) in any other case, in any number that would, under the voting rights attached to the shares owned by the bank, permit the bank to vote more than ten per cent of the total votes that could, under the voting rights attached to all the shares of the corporation issued and outstanding, be voted by the holders thereof;

or

- (b) a trust or loan corporation in any number that would, under the voting rights attached to the shares owned by the bank, permit the bank to vote more than ten per cent of the total votes that could, under the voting rights attached to all the shares of the trust or loan corporation issued and outstanding, be voted by the holders thereof;

and any such shares, in excess of the maximum number prescribed by this subsection, owned by the bank at the coming into force of this Act shall be sold or disposed of before the first day of July, 1971.

Shares of
foreign
corporation.

(2) Except as provided in this section, the bank shall not own shares of the capital stock of a foreign corporation in any number that would, under the voting rights attached to the shares owned by the bank, permit the bank to vote more than ten per cent of the total votes that could, under the voting rights attached to all the shares of the foreign corporation issued and outstanding, be voted by the holders thereof, if the foreign corporation owns shares of the capital stock of

- (a) a Canadian corporation, other than a trust or loan corporation,

- (i) in any number that would, under the voting rights attached to the shares owned by the foreign corporation and the bank, if any, permit the foreign corporation, or the foreign corporation and the bank, to vote more than fifty per cent of the total votes that could, under the voting rights attached to all the shares of the Canadian corporation issued and outstanding, be voted by the holders thereof, in any case where the total amount paid or agreed to be paid by the foreign corporation and the bank for such of the shares of the Canadian corporation as have voting rights attached thereto, is five million dollars or less, or

- (ii) in any other case, in any number that would, under the voting rights attached to the shares owned by the foreign corporation and the bank, if any, permit the foreign corporation, or the foreign corporation and the bank, to vote more than ten per cent of the total votes that could, under the voting rights attached to all the shares of the Canadian corporation issued and outstanding, be voted by the holders thereof;

or

- (b) a trust or loan corporation in any number that would, under the voting rights attached to the shares owned by the foreign corporation and the bank, if any, permit the foreign corporation, or the foreign corporation and the bank, to vote more than ten per cent of the total votes that could, under the voting rights attached to all the shares of the trust or loan corporation issued and outstanding, be voted by the holders thereof;

and any such shares, in excess of the maximum number prescribed by this subsection, owned by the bank at the coming into force of this Act shall be sold or disposed of before the first day of July, 1971.

(3) The bank may own shares in excess of the maximum number prescribed by this section, if the shares acquire voting rights after the acquisition of the shares by the bank, but the bank shall sell or dispose of such excess shares within a period of two years from the day on which the shares acquired such voting rights.

Shares
acquiring
voting
rights.

(4) The bank may own shares in excess of the maximum number prescribed by this section, if the shares are acquired through a realization of security for any loan or advance made by the bank or any debt or liability to the bank, but any such shares acquired after the coming into force of this Act shall be sold or disposed of by the bank within a period of five years from the day on which they were acquired.

Exception.

(5) Notwithstanding any other provision of this section except subsection (4), where in the opinion of the Minister the ownership by the bank of shares in a corporation in any number permitted under subparagraph (i) of paragraph (a) of subsection (1) or subparagraph (i) of paragraph (a) of subsection (2) enables the bank to exercise, directly or indirectly, effective control of a trust or loan corporation, the Minister may by order require the bank to divest itself of those shares in that corporation within

Power to
require
divesting of
shares.

such time as the Minister considers reasonable and the bank shall sell or dispose of such shares within the time prescribed therefor by the Minister.

Disposal of
excess.

(6) The bank may acquire shares in excess of the maximum number prescribed by this section, but shall sell or dispose of such excess shares within a period of two years from the day on which they were acquired.

Extension
of time.

(7) The Minister may extend the time for the sale or disposal of any shares under this section for a further period or periods not exceeding two years in the aggregate.

Exception.

(8) This section does not apply in respect of shares of the capital stock of a bank service corporation or the Export Finance Corporation of Canada Ltd.

Definitions.

"Bank
service
corporation."

(9) In this section,

(a) "bank service corporation"

(i) means

(A) a corporation owning or leasing real or immovable property held for the actual use and occupation of the bank and the management of its business,

(B) a corporation owning shares of the capital stock of a corporation referred to in clause (A),

(C) a corporation engaging in the business of providing a service incidental or ancillary to, or used in the carrying on of, the business of the bank or of a corporation referred to in clause (A) or (B), and

(D) a corporation owning shares of the capital stock of a corporation referred to in clause (C),

if the corporation does not engage in any activity that is not incidental or ancillary to any of the activities mentioned in clauses (A) to (D); and

(ii) includes a corporation owning or leasing real or immovable property adjoining and having a common boundary with real or immovable property held by the bank or for the bank by a corporation referred to in clause (A) of subparagraph (i) if

(A) any buildings situated or to be constructed in or on the adjoining real or immovable property are or will be provided with services that are common to them and any buildings situated or to be constructed in or on the property of the corporation, and

- (B) the corporation does not engage in any activity that is not incidental or ancillary to the ownership or use of the said property or to any of the activities mentioned in clauses (A) to (D) of subparagraph (i);
- (b) "Canadian corporation" means a corporation incorporated under the laws of Canada or a province; "Canadian corporation."
- (c) "foreign corporation" means a corporation incorporated outside Canada; and "Foreign corporation."
- (d) "trust or loan corporation" means a Canadian corporation that carries on the business of a trust company within the meaning of the *Trust Companies Act*, or the business of a loan company within the meaning of the *Loan Companies Act*, and that accepts deposits from the public. "Trust or loan corporation."

Bank Debentures.

77. (1) In this Act "bank debentures" means instruments evidencing unsecured indebtedness of the bank payable in Canadian currency and issued in accordance with this section. "Bank debentures."

(2) Subject to this section, the bank may borrow money by the issue of bank debentures. Borrowing by debentures.

(3) Bank debentures shall have a stated maturity of at least five years after their date and the debentures or any document under which they are issued shall contain provisions to the following effect: Terms of debentures.

(a) the bank debentures will not be called for redemption by the bank before a date at least five years after the date of the debentures;

(b) the indebtedness evidenced by the bank debentures will not be paid by the bank during the five years following the date of the debentures; and

(c) in the event of the insolvency or winding-up of the bank, the indebtedness evidenced by the bank debentures is subordinate in right of payment to the prior payment in full of the deposit liabilities of the bank and such other liabilities of the bank as may be mentioned in the debentures or in any document under which such debentures are issued.

(4) The bank shall not make a loan or advance on the security of any of its bank debentures except to a person engaged in their distribution and then not for a term of more than ninety days from the date of their issue by the bank. Not security for loan.

Issue date.

(5) The bank shall not issue bank debentures dated more than sixty days before the date of the issue of the debentures; but this subsection does not apply to a debenture issued in exchange for or in replacement of one that has the same stated maturity and that is not then being redeemed or paid.

Limit on
bank
debentures.

(6) The bank shall not issue bank debentures if, as a result of the issue, the aggregate principal amount of its bank debentures outstanding that have a stated maturity after the end of the financial year of the bank in which the issue is made, would exceed the lesser of

- (a) an amount equal to one-half of the total of the paid-up capital stock and rest account of the bank at the time of the issue; or
- (b) the amount obtained by multiplying the total of the paid-up capital stock and rest account of the bank at the time of the issue by the number of financial years of the bank completed after the 31st day of October, 1965, and dividing the product obtained by ten.

Security.

Securities
may be sold.

78. Securities acquired and held by the bank as security may, in case of default in the payment of the loan, advance or debt or in the discharge of the liability for the securing of which they were so acquired and held, be dealt with, sold and conveyed,

- (a) in like manner and subject to the same restrictions as are provided in this Act in respect of shares of the capital stock of the bank on which it has acquired a lien under this Act, or
- (b) in like manner as and subject to the restrictions under which a private individual might in like circumstances deal with, sell and convey the same,

but the bank is not obliged to sell within twelve months, and the right to deal with and dispose of securities as provided in this section may be waived or varied by any agreement between the bank and the person by whom the security was given.

Rights in
respect of
personal
property.

79. The rights, powers and privileges that the bank is by this Act declared to have, or to have had, in respect of real or immovable property on which it has taken security, shall be held and possessed by it in respect of any personal or movable property on which it has taken security.

Purchases
of realty.

80. The bank may purchase any real or immovable property offered for sale

- (a) under execution, or in insolvency, or under the order or decree of a court, or at a sale for taxes, as belonging to any debtor to the bank,
- (b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held by the bank, or
- (c) by the bank under a power of sale given to it for that purpose, notice of such sale by auction to the highest bidder having been first given by advertisement for four weeks in a newspaper published in the county or electoral district in which such property is situated,

in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property that it may so purchase, and may acquire title thereto as any individual, purchasing at a sheriff's sale or sale for taxes or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same.

81. (1) The bank may acquire and hold an absolute title in or to real or immovable property affected by a mortgage or hypothec securing a loan or advance made by the bank or a debt or liability to the bank, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

Bank may acquire absolute title.

(2) Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing the bank from acquiring and holding an absolute title to and in any mortgaged or hypothecated real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or convey any property so mortgaged.

No Act or law to prevent.

Loans on Hydrocarbons.

82. (1) The bank may lend money and make advances upon the security of any or all of the following:

Loans on hydrocarbons.

- (a) hydrocarbons in, under or upon the ground, in place or in storage;
- (b) the rights, licences or permits of any person to obtain and remove any of such hydrocarbons and to enter upon, occupy and use lands from or on which any of such hydrocarbons are or may be produced;

(c) the estate or interest of any person in or to any such hydrocarbons, rights, licences, permits and lands whether such estate or interest is entire or partial; and

(d) the casing and equipment used or to be used in producing or seeking to produce and storing any such hydrocarbons;

or of any rights or interests in or to any of the foregoing whether the security be taken from the borrower or from a guarantor of the liability of the borrower or from any other person.

Security.

(2) Security under this section may be given by signature and delivery to the bank by or on behalf of the person giving the security of an instrument in the form set out in Schedule L or in a form to the like effect, and shall affect the property described in the instrument giving the security

(a) of which the person giving the security is the owner at the time of the delivery of such instrument, or

(b) of which such person becomes the owner at any time thereafter before the release of the security by the bank, whether or not such property is in existence at the time of such delivery,

all of which property is for the purposes of this Act property covered by the security.

Rights under security.

(3) Any security given under this section vests in the bank, in addition to and without limitation of any other rights or powers vested in or conferred on it, full power, right and authority, through its officers, employees or agents, in the event of

(a) non-payment of any loan or advance as security for the payment of which the bank has taken the security, or

(b) failure to care for, maintain, protect or preserve the property covered by the security,

to do all or any of the following, namely, take possession of, seize, care for, maintain, use, operate and sell the property covered by the security or part thereof as it sees fit, returning to the person entitled thereto any surplus proceeds of any such operation or sale remaining after payment of all such loans and advances, with interest and expenses; a sale of any of the property by the bank vests in the purchaser all the right and title in and to such property that the person giving the security had when the security was given and that he acquired thereafter; unless the person by whom the security was given has agreed otherwise any such sale shall be made by public auction after

- (c) notice of the time and place of the sale has been sent by registered mail to the recorded address of the person by whom the security was given at least ten days prior to the sale, and
- (d) publication of an advertisement of the sale, at least two days prior to the sale, in at least two newspapers published in or nearest to the place where the sale is to be made; and if the sale is in the Province of Quebec at least one of such newspapers shall be a newspaper published in the English language and one other newspaper shall be a newspaper published in the French language.

(4) Subject to subsection (5), all the rights and powers of the bank in respect of the property covered by security given under this section have priority over all rights subsequently acquired in, on or in respect of such property and also over the claim of any mechanics' lien holder or of any unpaid vendor of casing or equipment, but such priority does not extend over the claim of any unpaid vendor who had a lien upon the casing or equipment at the time of the acquisition by the bank of such security, unless the same was acquired without knowledge on the part of the bank of such lien.

Priority of
bank's
rights.

(5) The rights and powers of the bank do not have priority over an interest or right acquired in, on or in respect of the property covered by security given under this section unless, prior to

Idem.

- (a) the registration of such interest or right, or
- (b) the registration or filing of the deed or other instrument evidencing such interest or right, or of a caution, caveat or memorial in respect thereof,

there has been registered or filed in the proper land registry or land titles office or office in which are recorded the rights, licences or permits referred to in this section,

- (c) an original of the instrument giving the security,
- (d) a copy of the instrument giving the security, certified by an officer or employee of the bank to be a true copy, or
- (e) a caution, caveat or memorial in respect of the rights of the bank;

and every registrar or officer in charge of such proper land registry or land titles or other office to whom a document mentioned in paragraph (c), (d) or (e) is tendered, shall register or file the same according to the ordinary procedure for registering or filing within such office documents that evidence liens or charges against, or cautions, caveats or memorials in respect of claims to, interests in

or rights in respect of any such property and subject to payment of the like fees; but this subsection does not apply if the provincial law does not permit such registration or filing of the tendered document.

Further
security.

(6) When making a loan or advance on the security provided for by this section, the bank may take, on any property covered by such security, any further security it sees fit.

Substitution
of security.

(7) Notwithstanding anything in this Act, where the bank holds any security whatever covering hydrocarbons, it may take in lieu of such security, to the extent of the quantity covered by the security taken, any security covering or entitling it to the delivery of the same hydrocarbons or hydrocarbons of the same or a similar grade or kind.

Lien on Shares.

Lien on
bank shares.

83. (1) Unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, the bank has a privileged lien for any debt or liability for any debt to the bank, on the shares of its own capital stock and on any dividends payable to the debtor or person liable, and may decline to allow any transfer of the shares of such debtor or person until the debt is paid.

Sale of
shares.

(2) The bank shall, within twelve months after a debt has accrued and become payable, sell the shares on which it has a lien therefor, but notice shall be given to the holder of the shares of the intention of the bank to sell them, by mailing the notice to the holder at his recorded address at least thirty days prior to the sale.

Transfer.

(3) Upon the sale being made the president, a vice-president or the general manager shall execute a transfer of the shares to the purchaser thereof in a register of transfers of the bank.

Effect of
transfer.

(4) A transfer under this section vests in the purchaser all the rights in or to the shares that were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the bank or by the officer of the bank executing the transfer.

Real Property.

Acquisition
of real
property.

84. (1) The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, and acquire other property in its stead for the same purpose.

property (2) The bank may hold real or immovable Disposition.

- (a) in the case of property acquired or held for its own use, for a period of seven years from the day on which it ceases to be required for its own use, as determined by the directors, and
- (b) in the case of other property, for a period of twelve years from the day on which it acquired the property,

and forthwith after the expiry of that period the bank shall sell or dispose of the property absolutely so that the bank no longer has, directly or indirectly, any interest or control in respect thereof except by way of security.

(3) Where the bank fails to dispose of property Forfeiture. in accordance with subsection (2), the Attorney General of Canada may, upon such notice as a judge of the Exchequer Court of Canada may order, apply to a judge of that Court for an order declaring the property to be forfeited to Her Majesty in right of Canada, and the judge may, if he is satisfied that the bank has not disposed of the property in accordance with subsection (2), declare the property forfeited to Her Majesty, except that

- (a) the property shall not be vested in Her Majesty before the expiry of six calendar months from the day on which notice of the application was given to the bank in accordance with the order of the judge, and
- (b) the bank may, at any time before the property vests in Her Majesty, sell or otherwise dispose of it as required by subsection (2) as if no application, order or declaration had been made.

Other Loans and Advances.

85. The bank may lend money and make advances Loans to receiver, liquidator, etc. to a receiver, to a receiver and manager, to a liquidator appointed under any winding-up Act, or to a custodian, interim receiver or trustee under the *Bankruptcy Act*, if the receiver, receiver and manager, liquidator, custodian, interim receiver or trustee has been duly authorized or empowered to borrow, and, in making the loan or advance, and thereafter, the bank may take security, with or without personal liability, from the receiver, receiver and manager, liquidator, custodian, interim receiver or trustee to such an amount, and upon such property as may be directed or authorized by any court of competent jurisdiction.

86. (1) The bank may acquire and hold any warehouse receipt or bill of lading as security for the payment of Warehouse receipts and bills of lading.

any debt incurred in its favour, or as security for any liability incurred by it for any person, in the course of its banking business.

Effect of taking.

(2) Any warehouse receipt or bill of lading acquired under subsection (1) vests in the bank, from the date of the acquisition thereof,

- (a) all the right and title to the warehouse receipt or bill of lading and to the goods, wares and merchandise covered thereby of the previous holder or owner thereof, and
- (b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom the goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank, instead of to the previous holder or owner of the goods, wares and merchandise.

When previous holder is an agent.

87. (1) Where the previous holder of a warehouse receipt or bill of lading referred to in section 86 is a person

- (a) entrusted with the possession of the goods, wares and merchandise mentioned therein, by or by the authority of the owner thereof,
- (b) to whom the goods, wares and merchandise are, by or by the authority of the owner thereof, consigned, or
- (c) who, by or by the authority of the owner of the goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented,

Presumption of possession.

the bank is, upon the acquisition of such warehouse receipt or bill of lading, vested with all the right and title of the owner of the goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the debt or liability, as security for which the warehouse receipt or bill of lading is held by the bank, is paid.

Possessor.

(2) For the purposes of this section, a person shall be deemed to be the possessor of goods, wares and merchandise, or a bill of lading, receipt, order or other document

- (a) who is in actual possession thereof; or
- (b) for whom, or subject to whose control the goods, wares and merchandise are, or bill of lading, receipt, order or other document is, held by any other person.

88.
advances

- (1) The bank may lend money and make
 - (a) to any wholesale purchaser or shipper of, or dealer in, products of agriculture, products of the forest, products of the quarry and mine, or products of the sea, lakes and rivers, upon the security of such products and of goods, wares and merchandise used in or procured for the packing of such products;
 - (b) to any person engaged in business as a manufacturer, upon the security of goods, wares and merchandise manufactured or produced by him or procured for such manufacture or production and of goods, wares and merchandise used in or procured for the packing of goods, wares and merchandise so manufactured or produced;
 - (c) to any farmer, upon the security of crops growing or produced upon the farm;
 - (d) to any farmer
 - (i) for the purchase of seed grain or seed potatoes, upon the security of the seed grain or the seed potatoes and any crop to be grown therefrom,
 - (ii) for the purchase of fertilizer, upon the security of the fertilizer and any crop to be grown from land on which, in the same season, the fertilizer is to be used, and
 - (iii) for the purchase of binder twine, upon the security of the binder twine and the crop in the harvesting of which the binder twine is to be used;
 - (e) to any farmer or to any person engaged in live stock raising, upon the security of live stock, but the security taken under this paragraph is not effective in respect of any live stock that at the time the security is taken is, by any statutory law that was in force on the first day of July, 1923, exempt from seizure under writs of execution;
 - (f) to any farmer for the purchase of agricultural implements, upon the security of such agricultural implements;

Loans to
certain
borrowers
and security.

- (g) to any farmer for the purchase or installation of agricultural equipment or a farm electric system, upon the security of such agricultural equipment or farm electric system;
- (h) to any farmer for
 - (i) the repair of an agricultural implement or of agricultural equipment,
 - (ii) the alteration or improvement of a farm electric system,
 - (iii) the erection or construction of fencing or works for drainage on a farm,
 - (iv) the construction, repair or alteration of, or making of additions to, any building or structure on a farm, and
 - (v) any works for the improvement or development of a farm for which a farm improvement loan as defined in the *Farm Improvement Loans Act* may be made,
 upon the security of agricultural implements, but security taken under this paragraph is not effective in respect of any agricultural implements that at the time the security is taken are, by any statutory law that was in force on the first day of September, 1944, exempt from seizure under writs of execution; and
- (i) to any fisherman, upon the security of fishing vessels, fishing equipment and supplies or products of the sea, lakes and rivers, but security taken under this paragraph is not effective in respect of any such property that at the time the security is taken is, by any statutory law that was in force on the first day of September, 1944, exempt from seizure under writs of execution;

and the security may be given by signature and delivery to the bank by or on behalf of the person giving the security of a document in the form set out in the appropriate Schedule or in a form to the like effect.

Rights and powers vested by delivery of document.

(2) Delivery of a document giving the security upon property to a bank under the authority of this section vests in the bank in respect of property therein described

- (a) of which the person giving security is the owner at the time of the delivery of such document, or
- (b) of which such person becomes the owner at any time thereafter before the release of the security by the bank, whether or not such property is in existence at the time of such delivery,

the following rights and powers, namely:

- (c) if such property is property on which security is given under paragraph (a), (b), (e), (h) or (i) of subsection (1), the same rights and powers as if the bank had acquired a warehouse receipt or bill of lading in which such property was described; or
- (d) if such property is property on which security is given under paragraph (c), (d), (f) or (g) of subsection (1), a first and preferential lien and claim thereon for the sum secured and interest thereon, and as regards a crop as well before as after the severance from the soil, harvesting or threshing thereof, and, in addition thereto, the same rights and powers in respect of such property as if the bank had acquired a warehouse receipt or bill of lading in which the property was described; and all rights and powers of the bank subsist notwithstanding that such property is affixed to real or immovable property and notwithstanding that the person giving the security is not the owner of such real or immovable property;

and all such property in respect of which such rights and powers are vested in the bank under this section is for the purposes of this Act property covered by the security.

(3) Where security upon any property is given to the bank under paragraph (c), (d), (e), (f), (g), (h) or (i) of subsection (1), the bank, in addition to and without limitation of any other rights or powers vested in or conferred on it, has full power, right and authority, through its officers, employees or agents, in case of

Power of the bank to take possession, etc.

- (a) non-payment of any of the loans or advances for which such security was given,
- (b) failure to care for or harvest any crop or to care for any live stock covered by the security,
- (c) failure to care for any property on which security is given under paragraph (f), (g), (h) or (i) of subsection (1),
- (d) any attempt, without the consent of the bank, to dispose of any property covered by the security, or
- (e) seizure of any property covered by the security,

to take possession of or seize the property covered by the security, and in the case of a crop to care for it and harvest it or thresh the grain therefrom, and in the case of live stock to care for it, and has the right and authority to enter upon land or premises whenever necessary for any such

purpose and to detach and remove such property, exclusive of wiring, conduits or piping incorporated in a building, from any real or immovable property to which it is affixed.

Notice of
intention.

(4) The following provisions apply where security upon property is given to the bank under this section:

Registration.

(a) the rights and powers of the bank in respect of property covered by the security are null and void as against creditors of the person giving the security and as against subsequent purchasers or mortgagees in good faith of the property covered by the security unless a notice of intention signed by or on behalf of the person giving the security was registered in the appropriate agency not more than three years immediately before the security was given;

Notices
to be
numbered.

(b) the agent shall number consecutively every notice of intention received by him and shall endorse thereon the number and the hour and date of its receipt and shall file the same and enter, in alphabetical order, in a book to be kept by him, the name of every person who has given such notice of intention with the number endorsed thereon opposite to each name;

Number,
hour and
date of
registration.

(c) the agent shall endorse over his signature or a facsimile thereof on a copy of the notice of intention to be supplied by the bank, for the records of the bank, the number and the hour and date of receipt, and the production of the copy with such endorsement is conclusive evidence in all courts of the registration and of the time of registration as thereon endorsed;

Cancellation.

(d) registration of a notice of intention may be cancelled by registration in the appropriate agency in which the notice of intention was registered of a certificate of release signed on behalf of the bank named in the notice of intention and bearing the number and date endorsed thereon, stating that each and every security to which the notice of intention relates has been released or that no security was given to the bank, as the case may be;

Number,
hour and
date of
cancellation.

(e) the agent shall number consecutively every certificate of release received by him and shall endorse thereon the number and the hour and date of its receipt and shall file the same, whereupon the registration of the notice of intention

in respect of which such certificate was given shall be deemed to be cancelled and the agent shall cancel it, and after the cancellation the notice of intention is without effect as regards any security given to the bank thereafter and may be destroyed by the agent; after five years have elapsed from the receipt of a certificate of release, the agent may destroy it;

- (f) the agent may transcribe the registration of any notice of intention onto another page of the registration book, whereupon the transcription shall take the place of the entry so transcribed, and the agent may destroy any pages on which all the entries have been cancelled or transcribed in accordance with this subsection; Transcription of registration.
- (g) every person, upon payment of the proper fees, is entitled to have access to and to inspect any registration book, notice of intention or certificate of release kept by or in the custody of the agent; Access to registration book.
- (h) for services under this section the agent is entitled to a fee of twenty-five cents for each of the following, namely: Fees.
 - (i) the registration of a notice of intention with endorsement of copy;
 - (ii) the production of a registration book for inspection;
 - (iii) the production of a notice of intention for inspection; and
 - (iv) the registration of a certificate of release;
- (i) any person desiring to ascertain whether a notice of intention given by a person remains registered in an agency may inquire by sending a prepaid telegram or written communication addressed to the agent, and it is the duty of the agent, in the case of a written inquiry if it is accompanied by a fee of fifty cents, and in the case of an inquiry by telegram without payment of any fee, to make the necessary inspection of the registration books and of the relevant documents, if any, and to reply to the inquirer stating the name of the bank mentioned in any such notice of intention, the reply to be by mail unless a telegraphic reply is requested, in which case it shall be sent at the expense of the inquirer; Inquiries.
- (j) the bank shall annually, during the month of March, send by registered post to each agency a statement showing the notices of intention to Annual notice of registrations.

give security to the bank registered in the agency more than five years before the end of the preceding December in connection with which security was given to the bank and is still in effect or stating that there are no such notices of intention; the statement shall show the name of the person who gave each such notice of intention and the number and date of its registration; on receipt of the statement, the agent shall cancel the registrations of all notices of intention to give security to the bank registered in the agency more than five years before the end of the preceding December and not shown in such a statement, and thereafter the registrations of such notices of intention are without effect and the agent may destroy all such notices of intention; and

Definitions.

(k) in this subsection,

"Agency."

(i) "agency" means, in a province, the office of the Bank of Canada or its authorized representative but does not include its Ottawa office, and in the Yukon Territory and the Northwest Territories means the office of the Clerk of the Court of each of those territories respectively,

"Agent."

(ii) "agent" means the officer in charge of the office mentioned in subparagraph (i), and includes any person acting for such officer,

"Appropriate agency."

(iii) "appropriate agency" means the agency for the province or territory in which the person by whom or on whose behalf a notice of intention is signed has his place of business or if such person has more than one place of business in Canada and such places of business are not in the same province or territory, the agency for the province or territory in which such person has his principal place of business or if such person has no place of business, the agency for the province or territory in which such person resides; and in respect of any notice of intention registered before the coming into force of this Act, means the office in which registration was required to be made by the law in force at the time of such registration,

"Notice of intention."

(iv) "notice of intention" means a notice of intention in the form set out in Schedule K or in a form to the like effect, and includes

a notice of intention registered before the coming into force of this Act, in the form and registered in the manner required by the law in force at the time of the registration of such notice of intention, and

- (v) "principal place of business" means, in the case of a company incorporated by or under the authority of any Act of the Parliament of Canada, or by or under the authority of any Act of the late Province of Canada, or by or under the authority of any province or any territory now forming part of Canada, the place where, according to the company's charter, memorandum of association or by-laws, the head office of the company in Canada is situated and in the case of any other company means the place at which civil process in the province or territory in which the loans or advances will be made can be served upon the company.

"Principal place of business."

(5) Notwithstanding subsection (2) and notwithstanding that a notice of intention by a person giving security upon property under this section has been registered pursuant to this section, where, under the *Bankruptcy Act*, a receiving order is made against, or an assignment is made by, such person,

Priority of wages and money owing for perishable agricultural products.

- (a) claims for wages, salaries or other remuneration owing in respect of the period of three months next preceding the making of such order or assignment, to employees of such person employed in connection with the business or farm in respect of which the property covered by the security was held or acquired by such person, and

- (b) claims of

- (i) a grower of perishable products of agriculture that are direct products of the soil for money owing by a manufacturer to the grower for such products that were grown by him on land owned or leased by him and that were delivered to the manufacturer during the period of six months next preceding the making of such order or assignment, or
- (ii) a producer of dairy products for money owing by a manufacturer to the producer for such products that were produced on land owned or leased by him and that

were delivered to the manufacturer during the period of six months next preceding the making of such order or assignment, to the extent of seven thousand five hundred dollars of the amount of the claims of the grower or producer therefor or the total amount of his claims therefor if such amount is seven thousand five hundred dollars or less,

have priority to the rights of the bank in a security given to the bank under this section, in the order in which they are mentioned herein, and if the bank takes possession or in any way disposes of the property covered by the security, the bank is liable for such claims to the extent of the net amount realized on the disposition of such property, after deducting the cost of realization, and the bank is subrogated in and to all the rights of the claimants to the extent of the amounts paid to them by the bank.

Priority of
bank's
claim.

89. (1) All the rights and powers of the bank in respect of the property mentioned in or covered by a warehouse receipt or bill of lading acquired and held by the bank, and those rights and powers of the bank in respect of the property covered by a security given to the bank under section 88 that are the same as if the bank had acquired a warehouse receipt or bill of lading in which such property was described, have, subject to the provisions of subsection (4) of section 88 and of subsections (2) and (3) of this section, priority over all rights subsequently acquired in, on or in respect of such property, and also over the claim of any unpaid vendor, but such priority does not extend over the claim of any unpaid vendor who had a lien upon the property at the time of the acquisition by the bank of such warehouse receipt, bill of lading or security, unless the same was acquired without knowledge on the part of the bank of such lien, and where security is given upon property under paragraph (g) of subsection (1) of section 88, such priority shall exist notwithstanding that such property is or becomes affixed to real or immovable property.

Bank
required to
register
against
land in
certain
cases.

(2) Where security has been given to the bank under paragraph (g) of subsection (1) of section 88 upon property that is or has become affixed to real or immovable property, the rights and powers of the bank do not have priority over an interest or right acquired in, on or in respect of the real or immovable property after such property has become affixed thereto unless, prior to

- (a) the registration of such interest or right, or
- (b) the registration or filing of the deed or other instrument evidencing such interest or right, or of a caution, caveat or memorial in respect thereof,

there has been registered or filed in the proper land registry or land titles office,

- (c) an original of the document giving the security,
- (d) a copy of the document giving the security, certified by an officer or employee of the bank to be a true copy, or
- (e) a caution, caveat or memorial in respect of the rights of the bank;

and every registrar or officer in charge of such proper land registry or land titles office to whom a document mentioned in paragraph (c), (d) or (e) is tendered, shall register or file the same according to the ordinary procedure for registering or filing within such office documents that evidence liens or charges against, or cautions, caveats or memorials in respect of claims to, interests in or rights in respect of real or immovable property and subject to payment of the like fees; but this subsection does not apply if the provincial law does not permit such registration or filing of the tendered document.

(3) Where security has been given to the bank under paragraph (i) of subsection (1) of section 88, upon a fishing vessel that is recorded or registered under the *Canada Shipping Act*, the rights and powers of the bank do not have priority over any rights that are subsequently acquired in the vessel and are recorded or registered under that Act, unless a copy of the document giving the security, certified by an officer of the bank to be a true copy, has been recorded or registered under that Act in respect of the vessel before the recording or registration thereunder of such rights, and a copy of the document giving such security certified by an officer of the bank may be recorded or registered under that Act as if it were a mortgage given thereunder, and upon the recording or registration thereof the bank, in addition to and without limitation of any other rights or powers vested in or conferred on it, has all the rights and powers in respect of the vessel that it would have if the security were a mortgage recorded or registered under that Act.

Security
on fishing
vessels.

(4) In the event of non-payment of any debt, liability, loan or advance, as security for the payment of which the bank has acquired and holds a warehouse receipt or bill of lading or has taken any security under section 88, the bank may sell all or any part of the property mentioned therein or covered thereby and apply the proceeds against such debt, liability, loan or advance, with interest and expenses, returning the surplus, if any, to the person by whom such security was given; but such power of sale shall, unless such person has agreed to sale thereof otherwise than as herein provided, be exercised subject to the following provisions, namely:

Sale of
goods on
non-payment
of debt.

Conditions
of sale of
property
other than
live stock.

(a) every sale of such property other than live stock shall be by public auction after

(i) notice of the time and place of the sale has been sent by registered mail to the recorded address of the person by whom the security was given, at least ten days prior to the sale in the case of any such property other than products of the forest, and at least thirty days prior to the sale in the case of any such property consisting of products of the forest, and

(ii) publication of an advertisement of the sale, at least two days prior to such sale, in at least two newspapers published in or nearest to the place where the sale is to be made stating the time and place thereof; and if the sale is in the Province of Quebec at least one of such newspapers shall be a newspaper published in the English language and one other newspaper shall be a newspaper published in the French language;

Conditions
of sale of
live stock.

(b) every sale of live stock shall be made by public auction not less than five days after

(i) publication of an advertisement of the time and place of the sale in a newspaper, or in the Province of Quebec in two newspapers, one in the English language and one in the French language, published in or nearest to the place where the sale is to be made, and

(ii) posting of a notice in writing, which notice shall, in the Province of Quebec, be in the English and the French languages, of the time and place of such sale, in or at the post office nearest to the place where the sale is to be made;

and the proceeds of such a sale of live stock, after deducting all expenses incurred by the bank and all expenses of seizure and sale, shall first be applied to satisfy privileges, liens or pledges having priority over the security given to the bank and for which claims have been filed with the person making the sale, and the balance shall be applied in payment of the debt, liability, loan or advance, with interest and the surplus, if any, returned to the person by whom such security was given;

any sale of property by the bank under this subsection vests

in the purchaser all the right and title in and to the property that the person from whom security was taken under section 86 had when the security was given or that the person from whom security was taken under section 88 had when the security was given and that he acquired thereafter.

(5) Where goods, wares and merchandise are manufactured or produced from goods, wares and merchandise, or any of them, mentioned in or covered by any warehouse receipt or bill of lading acquired and held by the bank or any security given to the bank under section 88, the bank has the same rights and powers in respect of the goods, wares and merchandise so manufactured or produced, as well during the process of manufacture or production as after the completion thereof, and for the same purposes and upon the same conditions as it had with respect to the original goods, wares and merchandise.

Goods manufactured from articles pledged.

(6) Where payment or satisfaction of any debt, liability, loan or advance in respect of which the bank has taken security under section 82, 86 or 88 is guaranteed by a third person and such debt, liability, loan or advance is paid or satisfied by the guarantor, such guarantor is subrogated in and to all of the powers, rights and authority of the bank under the security that the bank holds in respect thereof under sections 82, 86 and 88 and this section.

Subrogation of security.

(7) The bank may assign to any person all or any of its rights and powers in respect of any property on which security has been given to it under paragraph (f), (g), (h) or (i) of subsection (1) of section 88, whereupon such person has and may exercise all or any of the rights, powers and authority of the bank under such security.

Bank may assign its rights.

90. (1) The bank shall not acquire or hold any warehouse receipt or bill of lading, or any security under section 88, to secure the payment of any debt, liability, loan or advance unless such debt, liability, loan or advance is contracted or made

Conditions under which bank may take security.

(a) at the time of the acquisition thereof by the bank, or

(b) upon the written promise or agreement that a warehouse receipt or bill of lading or security under section 88 would be given to the bank, in which case the debt, liability, loan or advance may be contracted or made before or at the time of or after such acquisition,

and such debt, liability, loan or advance may be renewed, or the time for the payment thereof extended, without affecting any security so acquired or held.

Exchange of
one security
for another.

- (2) The bank may
- (a) on the shipment of any property for which it holds a warehouse receipt, or any security under section 88, surrender the receipt or security and receive a bill of lading in exchange therefor;
 - (b) on the receipt of any property for which it holds a bill of lading, or any security under section 88, surrender the bill of lading or security, store the property and take a warehouse receipt therefor, or ship the property, or part of it, and take another bill of lading therefor;
 - (c) surrender any bill of lading or warehouse receipt held by it and receive in exchange therefor any security that may be taken under this Act;
 - (d) when it holds any security under section 88 on grain in any elevator, take a bill of lading covering the same grain or grain of the same grade or kind shipped from such elevator, in lieu of such security, to the extent of the quantity shipped; and
 - (e) when it holds any security whatever covering grain, take in lieu of such security, to the extent of the quantity covered by the security taken, a bill of lading or warehouse receipt for, or any document entitling it under the provisions of the *Canada Grain Act* to the delivery of, the same grain or grain of the same grade or kind.

Interest and Charges.

Powers re
interest.

91. (1) The bank may pay any rate of interest on a debt payable by the bank; and the bank may charge any rate of interest or rate of discount on a loan or advance made by the bank or on a debt or liability to the bank.

Exception.

(2) Notwithstanding subsection (1), the bank shall not charge, on a loan or advance payable in Canada, any rate of interest or rate of discount exceeding the maximum rate prescribed by this section, and no higher rate of interest or rate of discount is recoverable by the bank in respect of any such loan or advance.

Maximum
rate pre-
scribed.

(3) The maximum rate of interest or rate of discount per annum that the bank may charge on a loan or advance referred to in subsection (2) is,

- (a) for the period commencing on the coming into force of this Act and ending on the 31st day of December, 1967, seven and one-quarter per cent; and
- (b) for any part of an interest period commencing on or after the first day of January, 1968, one

and three-quarters per cent plus the average of the market-yield on short-term bonds of Canada for all Wednesdays in the averaging period immediately preceding such interest period, calculated to the nearest one-quarter of one per cent or, if the result would be equidistant from two multiples of one-quarter of one per cent, to that multiple thereof that is the lower.

(4) Where a loan or advance referred to in subsection (2) is made for a fixed term by the bank in one interest period and is repayable in whole or in part in a later interest period, the maximum rate of interest or rate of discount that the bank may charge on the loan or advance is that prescribed by subsection (3) for the interest period in which the loan or advance is made notwithstanding the maximum rate of interest or rate of discount prescribed for later interest periods.

Interest and
discount
charges.

(5) Where the interest or discount on any loan or advance amounts to less than one dollar, the bank may, notwithstanding the other provisions of this section, charge a total amount in respect of interest or discount not exceeding one dollar, except that where the loan or advance is not in excess of twenty-five dollars and the interest or discount thereon is less than fifty cents, the maximum charge in respect thereof shall not exceed fifty cents.

Minimum
charges.

(6) The maximum rate of interest or rate of discount prescribed by this section does not apply where the bank

Loans on
security of
real or
immovable
property.

- (a) lends money or makes an advance on the security of real or immovable property in Canada or of an equity of redemption therein or of an assignment of or mortgage on the interest of a lessee thereof;
- (b) lends money or makes an advance to facilitate construction, on the security of an assignment of money to become payable under a commitment by another lender to advance money to the borrower not later than one year after the completion of such construction;
- (c) takes security on real or immovable property to secure a balance of price of real or immovable property sold by the bank; or
- (d) acquires from a corporation securities that are issued or guaranteed by the corporation and secured on any property, whether in favour of a trustee or otherwise.

(7) The Minister shall cause the maximum rate of interest or rate of discount as computed for the purposes

Publication
of rate.

of paragraph (b) of subsection (3) to be published in the *Canada Gazette* within fifteen days after the expiration of the averaging period immediately preceding the interest period for which the maximum rate is so computed.

Definitions.

"Averaging period."

(8) For the purposes of this section,
(a) "averaging period" means a period of three months ending on the 30th day of November or on the 31st day of May;

"Interest period."

(b) "interest period" means a period of six months commencing on the first day of January or on the first day of July;

"Market yield on short-term bonds of Canada."

(c) "market-yield on short-term bonds of Canada" means the average of the yields on all outstanding issues of short-term bonds of Canada on each Wednesday, as computed from yields published by the Bank of Canada; and

"Short-term bonds of Canada."

(d) "short-term bonds of Canada" means marketable bonds issued by the Government of Canada, payable in Canadian currency and due to mature within three years.

Expiration.

(9) Where the average of the market-yield on short-term bonds of Canada for all Wednesdays in any period of three months ending after the 31st day of December, 1966, is less than five per cent, subsections (2) to (8) of this section, subsection (1) of section 93, section 112 and subsection (1) of section 151 expire

(a) on the 31st day of December, 1967, if the last month of such period ends before the 31st day of December, 1967, or

(b) on the fifteenth day of the month next following the last month of such period, if such period ends on or after the 31st day of December, 1967,

but without affecting any loan or advance made for a fixed term in respect of which a rate of interest or rate of discount has been charged before that day.

Notice of expiration.

(10) Notice of the day that subsections (2) to (8) of this section and subsection (1) of section 93 expire shall be given by proclamation of the Governor in Council published in the *Canada Gazette* before that day.

Definitions.

"Cost of borrowing."

92.

(1) In subsections (2) to (4),

(a) "cost of borrowing" means, in relation to a loan or advance,

(i) the interest or discount thereon, and

(ii) any charges in connection therewith that are payable by the borrower to the bank or to any person from whom the bank receives any part of such charges directly or indirectly;

(b) "credit" means an arrangement for obtaining "Credit." loans or advances; and

(c) "prescribed" means prescribed by regulations "Pre-scribed."

(2) Where, after the coming into force of this subsection, the bank grants to a person a credit in respect of loans or advances repayable in Canada or makes to a person a loan or advance repayable in Canada, the cost of borrowing, as calculated and expressed in accordance with subsection (3), shall be disclosed by the bank, or otherwise as prescribed, to such person in the manner prescribed and at the time when the credit is granted or the loan or advance is made otherwise than under a credit, as the case may be; but this subsection does not apply in respect of any class of loans or advances that is prescribed as not being subject to its provisions.

(3) The cost of borrowing shall be calculated, in the manner prescribed, on the basis of all obligations of the borrower being duly fulfilled, and shall be expressed as a rate per annum and, under the circumstances prescribed, as an amount in dollars and cents.

(4) The Minister may make regulations

(a) respecting the manner in which the cost of borrowing shall be disclosed to a borrower;

(b) respecting the manner of calculating the cost of borrowing;

(c) respecting the circumstances under which the cost of borrowing is to be expressed also as an amount in dollars and cents;

(d) specifying any class of loans or advances that are not to be subject to the provisions of subsection (2); and

(e) respecting such other matters or things as may be necessary to carry out the purpose of this section.

(5) The bank shall not, directly or indirectly, charge or receive any sum for the keeping of an account unless the charge is made by express agreement between the bank and the customer, nor, except by express agreement between the bank and the borrower, shall the making of a loan or advance be subject to a condition that the borrower maintain a minimum credit balance with the bank.

(6) Subsections (1) to (4) shall come into force six months after the coming into force of this Act or on such earlier day as the Governor in Council may fix by proclamation.

93. (1) The bank may, in discounting a bill of exchange, promissory note or other negotiable instrument,

in order to defray the expense of collection thereof, charge in addition to the discount thereon,

- (a) where the instrument is payable at a branch of the bank in Canada and is discounted at another branch, an amount not exceeding one-eighth of one per cent of the amount of the instrument or fifteen cents, whichever is greater, or
- (b) where the instrument is payable at a place in Canada, other than a branch of the bank, an amount not exceeding one-fourth of one per cent of the amount of the instrument or twenty-five cents, whichever is greater.

No charge
on govern-
ment
cheques.

(2) The bank shall not make a charge for cashing a cheque or other instrument drawn on the Receiver General or on his account in the Bank of Canada or in any other bank, or for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or in respect of any cheque or other instrument drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer in his capacity as such, and tendered for deposit to the credit of the Receiver General.

Deposits of
the Govern-
ment of
Canada.

(3) Nothing in subsection (2) shall be construed to prohibit any arrangement between the Government of Canada and the bank concerning interest to be paid on any or all deposits of the Government of Canada with the bank.

Unclaimed Balances.

Transfer
to Bank of
Canada of
unclaimed
balances.

94.

- (1) Where
- (a) a debt payable in Canada in Canadian currency is owing by the bank by reason of a deposit at a branch of the bank in Canada in respect of which no transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of ten years reckoned
 - (i) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and
 - (ii) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later, or
- (b) a cheque, draft or bill of exchange (including an instrument drawn by one branch of the bank upon another branch of the bank but not

including an instrument issued in payment of a dividend on the capital stock of the bank) payable in Canada in Canadian currency has been issued, certified or accepted by the bank at a branch of the bank in Canada and no payment has been made in respect thereof for a period of ten years from the date of issue, certification or acceptance,

the bank shall pay to the Bank of Canada on a day to be fixed by the Minister an amount equal to the amount owing by the bank in respect of the debt or to the amount that would be owing if the instrument had been presented for payment, including interest, if any, in accordance with the terms of the debt or instrument, and payment accordingly discharges the bank from all liability in respect of the debt or instrument.

(2) Where in the opinion of the Minister there is doubt as to who is entitled to payment of a debt or instrument specified in subsection (1), he may, in writing, direct the bank to withhold the payment required by subsection (1) and the bank shall not make the payment until directed in writing by the Minister to do so.

Withholding
payment in
case of doubt.

(3) Subject to subsection (5) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada under subsection (1) with respect to a debt or instrument, the Bank of Canada, if payment is demanded or the instrument is presented at the Bank of Canada by the person who, but for subsection (1), would be entitled to receive payment of the debt or instrument, is liable to pay at its agency in the province in which the debt or instrument was payable, an amount equal to the amount so paid to it, with interest thereon for the period, not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Minister determines if interest was payable in accordance with the terms of the debt, and such liability may be enforced by action against the Bank of Canada in a court of competent jurisdiction in the province in which the debt or instrument was payable.

Payment to
claimant.

(4) Where the bank has paid an amount to the Bank of Canada under subsection (1) in respect of a debt or instrument, it shall keep all signature cards and signing authorities relating to the debt or instrument until the Bank of Canada notifies the bank that they are no longer required and thereafter may destroy them.

Retention
of records.

(5) Except as provided in subsection (1) of this section and in subsection (2) of section 74, the liability of the bank in respect of a debt or an instrument to which

Statutes of
limitation
not to apply.

subsection (1) applies is not extinguished and any action to enforce payment of the debt or instrument is not barred by any statute of prescription or limitation.

Deposits
from persons
unable to
contract.

95. The bank may without the authority, aid, assistance or intervention of any other person or official being required,

- (a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not, and
- (b) from time to time pay any or all of the principal thereof and any or all of the interest thereon to or to the order of such person, unless before payment the money so deposited in the bank is claimed by some other person in any action or proceeding to which the bank is a party and in respect of which service of a writ or other process originating such action or proceeding has been made on the bank, or in any other action or proceeding pursuant to which an injunction or order made by the court requiring the bank not to make payment of such money or to make payment thereof to some person other than the depositor has been served on the bank, and in the case of any such claim so made the money so deposited may be paid to the depositor with the consent of the claimant or to the claimant with the consent of the depositor.

Bank not
bound to
see to trust
in deposits.

96. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit made under the authority of this Act is subject.

Payment
where bank
has notice
of trust.

(2) When any deposit made under the authority of this Act is subject to a trust of which the bank has notice, the receipt or cheque of the person in whose name any such deposit stands, or, if it stands in the names of two or more than two persons, the receipt or cheque of all such persons or of such of them as under the document creating the trust may be entitled to receive such deposit is, notwithstanding any trust to which such deposit is then subject, a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit and the bank is not bound to see to the application of any money paid upon such receipt or cheque.

Payments in
other cases.

(3) Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of

section 95, by some other person before repayment, the receipt or cheque of the person in whose name any deposit stands, or, if it stands in the names of two persons, the receipt or cheque of one, or, if it stands in the names of more than two persons, the receipt or cheque of the majority of such persons is a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit.

(4) A writ or process originating a legal proceeding or issued therein or in pursuance thereof or an order or injunction made by a court affects and binds only property in the possession of the bank belonging to, or moneys to the credit of, a person at the branch where such writ, process, order or injunction or notice thereof is served.

Effect of writ, etc.

97. Where the transmission of a debt owing by the bank by reason of a deposit takes place because of the death of a person, the delivery to the bank

Transmission by death.

(a) of an affidavit or declaration in writing in form satisfactory to the bank signed by or on behalf of a person claiming by virtue of the transmission stating the nature and effect of the transmission, and

(b) when the claim is based on

(i) a will or other testamentary instrument or on a grant of probate thereof or on such a grant and letters testamentary or other document of like import or on a grant of letters of administration or other document of like import, purporting to be issued by any court or authority in Canada or elsewhere, of an authenticated copy or certificate thereof under the seal of the court or authority without proof of the authenticity of the seal or other proof, or

(ii) a notarial will, of an authenticated copy thereof,

is sufficient justification and authority for giving effect to the transmission in accordance with the claim; but nothing in this section shall be construed to prevent the bank from refusing to give effect to a transmission until there has been delivered to the bank such documentary or other evidence of or in connection with the transmission as it may deem requisite.

98. The bank, when making any payment shall, on the request of the person to whom the payment is to be made, make the payment or a part thereof, not exceeding one hundred dollars, as that person requests, in Bank of Canada notes for one, two or five dollars each.

Payment in Bank of Canada notes.

PURCHASE OF ASSETS AND AMALGAMATION.

Banks may
buy and sell
assets.

99. (1) A bank may sell the whole or part of its assets to any other bank and the other bank may purchase them.

Terms of
agreement.

(2) The terms of purchase and sale of assets under this section shall be specified in an agreement (hereinafter called a "sale agreement") entered into between the banks concerned in accordance with section 101.

Issue of
stock as con-
sideration.

(3) Where, pursuant to a sale agreement, a bank is required to issue shares of its capital stock by way of consideration under the agreement and for such purpose it is necessary to increase the capital stock of the bank, the shareholders may, notwithstanding anything in this Act, by by-law, increase the capital stock to the extent necessary to comply with the agreement, and the provisions of this Act relating to the increase of capital stock and the offer and sale of such increased stock do not apply in respect of the increase of capital stock under this section or the shares issued as a result of the increase; a by-law made under this subsection has no force or effect unless and until the sale agreement is approved by the Governor in Council under section 102.

Effect of
agreement.

(4) The approval by the Governor in Council under section 102 of a sale agreement vests in the purchasing bank the assets of the selling bank that under the agreement are purchased by the purchasing bank, and, subject to the agreement, the selling bank shall thereafter, if requested by the purchasing bank, execute such formal and separate conveyances, assignments and assurances as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full title and ownership of the said assets.

Liability of
purchasing
bank.

(5) Upon approval of a sale agreement by the Governor in Council, the purchasing bank becomes liable instead of the selling bank to discharge all obligations of the selling bank that have been assumed by the purchasing bank under the agreement and, notwithstanding anything in the agreement, to redeem the outstanding notes of the selling bank issued for circulation in a country outside Canada exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 73, and the notes shall be deemed for all purposes to be notes of the purchasing bank.

Winding-up
of selling
bank.

(6) When the Governor in Council has approved a sale agreement, the selling bank may thereafter carry on business only to the extent necessary to enable the directors to carry out the sale agreement and wind up the business of the bank.

100. (1) Any two or more banks may amalgamate for the purpose of continuing as one bank (hereinafter called the "amalgamated bank") under the name of one of the amalgamating banks or under a new name. Amalgamation.

(2) The banks proposing to amalgamate shall enter into an agreement (hereinafter called an "amalgamation agreement"), in accordance with section 101, prescribing Agreement.

- (a) the terms of the amalgamation;
- (b) the name of the amalgamated bank and the additional name under which it is authorized to carry on business;
- (c) the place in Canada where the head office is to be situated;
- (d) the names, addresses and occupations of the directors of the amalgamated bank who shall hold office until the first annual meeting;
- (e) the authorized capital stock of the amalgamated bank, and the par value of its shares;
- (f) the manner and terms of issuing shares of the amalgamated bank to the shareholders of the banks that are parties to the agreement; and
- (g) such other matters as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated bank.

(3) The approval by the Governor in Council under section 102 of an amalgamation agreement amalgamates the banks that are parties to the agreement and creates them one body politic and corporate and they shall continue thereafter as one bank under the name specified in the agreement. Effect of agreement.

(4) The amalgamated bank owns and possesses all the property, rights and interests and is subject to all the duties, liabilities and obligations of each of the parties to the amalgamation agreement, and the outstanding notes of the parties to the agreement described in subsection (5) of section 99 shall be deemed for all purposes to be notes of the amalgamated bank. Rights, liabilities of amalgamated banks.

(5) When approved by the Governor in Council, the amalgamation agreement has the force of law and, subject to the agreement, this Act applies to and is the charter of the amalgamated bank; and Schedule A is thereupon amended accordingly. Act is charter.

101. (1) This section and section 102 apply in respect of a sale agreement and an amalgamation agreement. Conditions applicable.

(2) The terms of a proposed agreement shall be submitted to the shareholders of each of the banks that are to become parties thereto either at an annual general meeting or at a special general meeting duly called for the purpose. Submission of agreement.

Notice of
meeting.

(3) The directors of each bank shall cause a draft of the proposed agreement to be sent by registered mail to every shareholder of the bank at his recorded address at least four weeks prior to the date of the meeting at which the agreement is to be submitted, together with a notice of the time and place of the holding of the meeting.

Approval
of agreement.

(4) If at a meeting of the shareholders of each bank at which the proposed agreement is submitted in accordance with this section, the agreement is approved by resolution carried by not less than two-thirds of the votes cast by the shareholders present in person or represented by proxy at the meeting, the agreement may be executed on behalf of each bank.

Approval by
Governor in
Council.

102. (1) A sale or amalgamation agreement has no force or effect until it has been approved by the Governor in Council.

Conditions.

(2) The Governor in Council shall not approve the agreement unless

- (a) the Minister, before the proposed agreement was submitted to the shareholders, approved in writing the making of such an agreement by the banks concerned;
- (b) he is satisfied that the shareholders of the parties to the agreement have approved the agreement in accordance with section 101;
- (c) notice of the intention of the parties to the agreement to apply to the Governor in Council for approval of the agreement has been published for at least four weeks in the *Canada Gazette* and in one or more newspapers published in the place where the head office of each bank is situated;
- (d) the application for approval is made within three months from the date of execution of the agreement; and
- (e) the Minister recommends that the agreement be approved.

Evidence of
approval.

(3) The approval of the Governor in Council of an agreement shall be evidenced by an order of the Governor in Council and a copy of the order purporting to have annexed thereto a true copy of the agreement, certified by the Clerk or Assistant Clerk of the Privy Council for Canada, is in all courts and for all purposes, *prima facie* proof of the agreement, of the due execution thereof, of its approval by the Governor in Council and of the regularity of all proceedings in connection therewith.

Refusal.

(4) Nothing in this Act shall be construed as precluding the Minister or the Governor in Council from

refusing to give or to recommend any approval that is required in respect of an agreement.

RETURNS.

103. (1) The bank shall, within the first twenty-eight days of each month, make a return to the Minister and to the Bank of Canada in the form set out in Schedule M, which shall present fairly the financial position of the bank on the last day of the last preceding month.

Return in
form of
Schedule M.

(2) Where a bank carries on the business of banking outside Canada in the name of a corporation controlled by the bank, and owns all the issued capital stock of the corporation except the qualifying shares of directors, the assets and liabilities of the corporation shall be consolidated with those of the bank for the purposes of the return required by this section and attention drawn to the consolidation by way of footnote.

Controlled
corporation
outside
Canada.

(3) Where the return of a branch of the bank or of a corporation referred to in subsection (2) for the last day of a month does not, before the tenth day of the next following month, reach

Return date
for branches.

(a) the head office of the bank, or

(b) the office of the general manager, if his office is at a place other than the head office,

the return last received from the branch or corporation showing, as far as that branch or corporation is concerned, the financial position of the bank at the date specified therein may be used in the preparation of the return required by this section.

(4) The Governor in Council may amend Schedule M.

Amendment
of
Schedule M.

104. The bank shall, within the first twenty-eight days of each month, make a return to the Minister and to the Bank of Canada, in a form prescribed by the Minister, of the information appropriate to determine reserves for the last preceding month in accordance with subsection (6) of section 72.

Return of
reserves.

105. The bank shall, at such times and in such form as the Minister prescribes, make a return to the Minister of its assets and liabilities that are valued or payable in foreign currencies.

Return of
foreign
currencies.

106. (1) The bank shall, before the end of each calendar year, make a return to the Minister in the form set out in Schedule Q for the financial year of the bank ending in that calendar year.

Return in
form of
Schedule Q.

(2) The Minister may amend Schedule Q.

Amendment
of Schedule
Q.

Return of
loans.

107. The bank shall, once in each year at such time and in such form as the Minister prescribes, make a return to the Minister with respect to loans made by the bank in Canadian currency that are outstanding.

Return of
deposit
liabilities.

108. The bank shall, once in each year at such time and in such form as the Minister prescribes, make a return to the Minister with respect to deposit liabilities of the bank payable in Canadian currency.

Return of
unclaimed
deposits.

109. (1) The bank shall, within sixty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year, in such form as he prescribes, with respect to all debts payable by the bank in Canada in Canadian currency by reason of deposits at branches of the bank in Canada in respect of which no transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of nine years or more, reckoned

(a) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and

(b) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later,

until the date of the return.

Content of
return.

(2) A return made under subsection (1) shall show in so far as known to the bank

(a) the name of each creditor to whom the debts are payable;

(b) the recorded address of each such creditor;

(c) the amount payable to each such creditor; and

(d) the branch of the bank at which the last transaction took place with respect to the debt, and the date thereof.

Amounts
under ten
dollars.

(3) Where the total amount of debts to which subsection (1) applies payable to a creditor is less than ten dollars, the bank may omit the particulars in respect thereof required by subsection (2) from returns made under this section.

Return of
cheques, etc.

110. (1) The bank shall, within sixty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year, in such form as he prescribes, with respect to all cheques, drafts or bills of exchange (including instruments drawn by one branch of the bank upon another branch of the bank but not including

instruments issued in payment of a dividend on the capital stock of the bank) payable in Canada in Canadian currency that have been issued, certified or accepted by the bank at branches of the bank in Canada and in respect of which no payment has been made for a period of nine years or more reckoned from the date of issue, certification or acceptance until the date of the return.

(2) A return made under subsection (1) shall show in so far as known to the bank

Content of return.

- (a) the name of each person to whom or at whose request each instrument was issued, certified or accepted;
- (b) the recorded address of each such person;
- (c) the name of the payee of each instrument;
- (d) the amount and date of each instrument;
- (e) the name of the place where each instrument was payable; and
- (f) the branch of the bank at which each instrument was issued, certified or accepted.

(3) Where the amount of an instrument to which subsection (1) applies is less than ten dollars, the bank may omit the particulars in respect thereof required by subsection (2) from returns made under this section.

Amounts under ten dollars.

111. (1) The bank shall mail to each person, in so far as known to the bank,

Notice of unpaid amount.

- (a) to whom a debt referred to in section 109 is payable, or
- (b) to whom or at whose request an instrument referred to in section 110 was issued, certified or accepted,

at his recorded address, a notice in writing stating that the debt or instrument, as the case may be, remains unpaid.

(2) The notice required by subsection (1) shall be given during the month of January next after the end of the first two-year period, and also during the month of January next after the end of the first five-year period, in respect of which

When notice to be given.

- (a) no transaction has taken place and no statement of account has been requested or acknowledged by the creditor, or
- (b) the instrument has remained unpaid,

as the case may be.

112. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister in the form of a declaration in writing disclosing whether, according to the books of the bank and the signed returns received from the managers of branches, the bank has,

Return of interest charges.

during that calendar year, charged in respect of any loan or advance payable in Canada any rate of interest or discount exceeding the rate authorized by this Act.

Signature.

(2) A declaration required by subsection (1) shall be signed by the persons who are required to sign the declaration mentioned in subsection (1) of section 118.

Return of
real
property.

113. The bank shall, once in each year, make a return to the Minister at such time and in such form as the Minister prescribes, with respect to the real or immovable property held by the bank that is not required for its own use as determined in accordance with subsection (2) of section 84.

Return of
names of
directors,
etc.

114. (1) The bank shall, within thirty days after each annual general meeting of the shareholders, make a return to the Minister showing

- (a) the name and address of each director elected at the meeting, the corporations of which he is a director and the firms of which he is a member; and
- (b) the names of the chairman, vice-chairmen and deputy chairmen of the board of directors, if any, the president and each vice-president who is a director, of the bank.

Notice of
vacancies.

(2) Where a vacancy occurs in the board of directors or in the office of chairman, vice-chairman or deputy chairman of the board, president or a vice-president who is a director, the bank shall, forthwith upon the vacancy being filled, notify the Minister of the name and address of the person who fills the vacancy and the corporations of which he is a director and the firms of which he is a member.

Change in
officers.

(3) Where a change is made in the holder of the office of general manager or chief accountant, the bank shall forthwith notify the Minister of the name of the person appointed to the office.

Return of
names of
share-
holders.

115. The bank shall, within thirty days after the end of each calendar year, make a return to the Minister with respect to its shareholders according to its books as at the end of the financial year of the bank ending in that calendar year, showing

- (a) the name of each shareholder who holds shares of the capital stock of the bank having a par value of more than five thousand dollars;
- (b) the place of the recorded address of each such shareholder;
- (c) the number of shares held by him and the amount, if any, remaining to be paid thereon;

- (d) a designation of each such shareholder whose recorded address is a place within Canada but who, to the knowledge of the bank, is a non-resident for the purposes of sections 53 to 57;
- (e) the total number of shares held by
 - (i) those shareholders whose recorded addresses are places outside Canada, and
 - (ii) those shareholders who each hold shares having a par value of more than five thousand dollars, whose recorded addresses are places within Canada but who, to the knowledge of the bank, are non-residents for the purposes of sections 53 to 57; and
- (f) the total number of shareholders who each hold shares having a par value of not more than five thousand dollars, the total number of shares held by them collectively and the total amount, if any, remaining to be paid thereon.

116. (1) In addition to the returns required by sections 103 to 115, the bank shall furnish to the Minister Additional information.

- (a) the documents required to be sent to him under section 40, subsection (5) of section 60 and subsection (16) of section 63; and
- (b) such other information at such times and in such form as the Minister may require.

(2) The Minister may, in any case of doubt, Minister may determine information.

determine

- (a) the information that is to be included in any classification, and
- (b) in which classification particular information shall be included,

in any form prescribed by or under this Act.

(3) The Minister may extend the time for Extension of time.

making a return required by this Act for a period not exceeding thirty days.

117. In addition to the returns required by sections 103 and 104 the bank shall furnish to the Bank of Canada such other information at such times and in such form as the Bank of Canada may require, but the bank shall not be required under this section to furnish information with respect to the accounts or affairs of any particular person. Additional information.

118. (1) A return made by the bank under sections 103 to 110 shall have annexed thereto as part of the return, a declaration in the form set out in Schedule S, signed Declaration to be annexed.

- (a) as to Part I thereof, by the chief accountant or a person authorized to sign in the place of the chief accountant; and

- (b) as to Part II thereof, by the president, a vice-president who is a director or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager.

Signature.

(2) A return made by the bank under section 113, 114 or 115 shall be signed by the president, a vice-president who is a director or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager.

Returns to be laid before Parliament.

119. (1) Each return made under section 115 and a compilation for all banks of the information contained in the returns made under sections 106 to 108 shall be laid before Parliament within thirty days after the expiry of the time prescribed by or pursuant to this Act for making the return or, if Parliament is not then sitting, on any of the first thirty days next thereafter that Parliament is sitting.

Publication.

(2) The Minister shall, in each year, cause the information contained in the returns made under sections 109 and 110 in that year and the compilations of the information contained in the returns made under sections 106 to 108 to be published in the *Canada Gazette* within thirty days after the expiry of the time prescribed by or pursuant to this Act for making the return.

INSOLVENCY.

Suspension for 90 days to constitute insolvency.

120. Any suspension by the bank of payment of any of its liabilities as they accrue, in Bank of Canada notes, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitutes the bank insolvent.

Charter to remain in force.

121. The charter of the bank in the case mentioned in section 120 remains in force only for the purpose of enabling the directors, or other lawful authority, to make and enforce the calls mentioned in section 122, and to wind up the business of the bank.

When directors to make calls.

122. (1) Where any suspension of payment in full, in Bank of Canada notes, of any of the liabilities of the bank continues for three months after the expiration of the time that, under section 120, would constitute the bank insolvent, and no proceedings are taken under any Act for the winding-up of the bank, the directors shall make calls on each shareholder thereof to the amount they deem necessary

to pay all the debts and liabilities of the bank not exceeding the amount uncalled on his shares, without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

(2) The following provisions apply in respect of calls made under subsection (1), namely:

Provisions applicable to calls.

- (a) the calls shall be payable at intervals of thirty days;
- (b) notice of the calls shall be given to the shareholders;
- (c) any number of calls may be made by one resolution;
- (d) no call shall exceed twenty per cent of the amount subscribed in respect of each share;
- (e) payment of calls may be enforced in like manner as payment of any other calls under this Act; and
- (f) the first of such calls may be made within ten days after the expiration of the said three months.

(3) In the event of proceedings being taken under any Act for the winding-up of the bank in consequence of the insolvency of the bank, any calls on shareholders made thereafter shall be made in accordance with such Act.

Calls in winding-up.

(4) Failure on the part of a shareholder to pay any call referred to in this section when due constitutes a forfeiture by the shareholder of all claim in or to any part of the assets of the bank; but the call and any further call thereafter is recoverable from him as if no forfeiture had taken place.

Forfeiture.

123. The following persons, namely:

- (a) persons who, having been shareholders of the bank, have transferred their shares, or any of them, within sixty days before the commencement of the suspension of payment by the bank; and
- (b) persons whose shares of the capital stock of the bank have been forfeited within sixty days before the commencement of the suspension of payment by the bank;

Liability of shareholders who have transferred their stock.

Or whose shares have been forfeited.

are liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held.

124. In the case of the insolvency of the bank,

- (a) the payment of the notes issued by the bank, intended for circulation in a country outside

Order of charges.

Canada and then outstanding, exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 73, shall be the first charge upon the assets of the bank;

- (b) the payment of any amount due to the Government of Canada, in trust or otherwise, except indebtedness evidenced by bank debentures, shall be the second charge upon such assets;
- (c) the payment of any amount due to the government of a province, in trust or otherwise, except indebtedness evidenced by bank debentures, shall be the third charge upon such assets;
- (d) the indebtedness evidenced by a bank debenture is subordinate in right of payment to the prior payment in full of the deposit liabilities of the bank and such other liabilities of the bank as are mentioned in that debenture or in any document under which it was issued; and
- (e) the amount of any penalties for which the bank is liable shall be a last charge upon the assets of the bank.

CURATOR.

Minister
to appoint
curator.

125. (1) The Minister shall, if the bank suspends payment in Bank of Canada notes of any of its liabilities as they accrue, forthwith appoint in writing a curator to supervise the affairs of the bank.

Idem.

(2) The Minister may, if the Inspector reports that in his opinion the bank is insolvent, forthwith appoint in writing a curator to supervise the affairs of the bank.

Removal.

126. The Minister may at any time remove the curator and may appoint in writing another person to act in his stead.

Powers and
duties of
curator.

127. (1) The curator shall assume supervision of the affairs of the bank, and of all necessary arrangements for the payment of the notes of the bank issued for circulation in a country outside Canada and outstanding at the time of his appointment, exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 73.

Generally.

(2) The curator has generally all powers and shall take all steps and do all things necessary or expedient to protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper

disposition, according to law, of the assets of the bank; and, for the purposes of this section, he is entitled to free and full access to all books, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank.

(3) The curator shall supervise the affairs of the bank until he is removed from office, or until a liquidator is duly appointed to wind up the business of the bank.

Supervision.

128. The directors, officers and employees of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties.

Officers and employees to assist curator.

129. No by-law, rule, resolution or act, relating to the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, is of any force or effect until approved in writing by the curator.

Approval by curator.

130. The remuneration of the curator for his services, and his expenses and disbursements in connection with the discharge of his duties, shall be fixed and determined by a judge of a superior court in the province where the head office of the bank is situated, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of the liquidator.

Remuneration of curator.

LIQUIDATOR.

131. A liquidator appointed to wind up the affairs of the bank shall furnish to the Minister such information, in such form, relating to the affairs of the bank, as the Minister may require of him.

Returns by liquidator.

PAYMENTS UPON WINDING-UP.

132. (1) Notwithstanding the *Winding-up Act*, where the business of the bank is being wound up, the liquidator shall pay to the Minister on demand and in any event before the final winding-up thereof, any amount that is payable by the liquidator to a creditor or shareholder of the bank to whom payment thereof has not, for any reason, been made.

Unclaimed money on winding-up.

(2) The Minister shall pay to the Bank of Canada any amounts paid to him under subsection (1).

Payment to Bank of Canada.

(3) Payment by a liquidator to the Minister under this section discharges the liquidator and the bank in respect of which the payment is made from all liability for the amount so paid and payment by the Minister to

Liquidator and bank discharged.

the Bank of Canada under this section discharges the Minister from all liability for the amount so paid.

Liability of
Bank of
Canada.

(4) Subject to subsection (5) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada of an amount under this section, the Bank of Canada, if payment is demanded by the person who, but for this section, would be entitled to receive payment of that amount from the liquidator or the Minister, is liable to pay at its head office an amount equal to the amount so paid to it, with interest thereon for the period, not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Minister determines, and such liability may be enforced by action against the Bank of Canada in any court of competent jurisdiction in Canada.

Outstanding
notes.

133. (1) Notwithstanding the *Winding-up Act*, where the business of the bank is being wound up and notes of the bank issued for circulation in a country outside Canada, exclusive of those in respect of which payment has been made as contemplated by subsection (3) of section 73, are outstanding, the liquidator shall, before the final winding-up but not later than three years from the commencement of the winding-up, out of the assets of the bank,

(a) pay, in accordance with arrangements prescribed by the Minister, to a person in that country, an amount in the currency of that country equal to the amount of the notes, or

(b) pay to the Bank of Canada in Canadian currency an amount equal to the amount of the notes at a rate of exchange to be fixed by the Minister,

whichever the Minister requires, and payment accordingly discharges the liquidator and the bank from all liability in respect of the notes.

Redemption.

(2) Notwithstanding any other Act, where a payment has been made to the Bank of Canada under this section, the Bank of Canada is liable to redeem the notes with respect to which the payment was made upon presentation thereof at the head office of the Bank of Canada, in Canadian currency at the rate of exchange that was fixed under subsection (1) in respect of the payment.

OFFENCES AND PENALTIES.

Payments of Incorporation and Organization Expenses.

Payment of
expenses prior
to obtaining
approval.

134. (1) Every provisional director or director who, prior to the time at which the approval permitting a bank

to commence the business of banking has been obtained from the Governor in Council, authorizes or is a party to the payment of, or receives, out of moneys paid in by subscribers or interest thereon, any sum for commission, salary or charges for services in connection with or arising out of the incorporation or organization of the bank, is guilty of an offence against this Act.

(2) Every general manager or other officer of a bank who, after the approval has been obtained from the Governor in Council, pays or causes to be paid, out of moneys paid in by subscribers or interest thereon, any sum for or on account of the incorporation or organization expenses of the bank, and every director who authorizes payment of such sum, unless the sum so paid is mentioned or included in the statement submitted to the Governor in Council at the time at which the application is made under this Act to the Governor in Council for approval permitting the bank to commence the business of banking, is guilty of an offence against this Act.

After
approval
obtained.

(3) Where no approval from the Governor in Council has been obtained within the time limited by this Act, every provisional director or director who authorizes or is a party to the payment of or receives, out of moneys paid in by subscribers or interest thereon, any sum for commission, salary or charges for services in connection with or arising out of the incorporation or organization of the bank, unless provision had been made pursuant to section 15 for payment, is guilty of an offence against this Act.

Where no
approval
obtained.

Commencement of Business.

135. Every provisional director or director of a bank and every other person who, before the obtaining of the approval from the Governor in Council required by this Act permitting the bank to commence business, transacts or authorizes the transaction of any business in connection with such bank, except as authorized by this Act to be transacted before the obtaining of such approval, is guilty of an offence against this Act.

Commencing
business
without
approval.

Sale and Transfer of Shares.

136. Every person, whether principal, broker or agent, who sells or transfers or attempts to sell or transfer any share of the capital stock of a bank

Sale and
transfer
contrary to
requirements.

- (a) knowing that the person making the sale or transfer, or that the person in whose name or on whose behalf the sale or transfer is made, is not at the time of the sale or attempted sale the registered owner, or

(b) without the assent to the sale of the registered owner thereof,
is guilty of an offence against this Act, unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank.

Annual Statement.

Statements
not signed
as required.

- 137.** Every bank that issues or publishes
- (a) a copy of the annual statement that has not been signed as required by section 60, or
 - (b) a copy of the annual statement required by section 60 that does not have a copy of the auditors' report attached thereto,
- and every director, officer or employee of the bank who is knowingly a party to the issue or publication is liable to a penalty of two hundred and fifty dollars.

Prohibited Agreements.

Agreements
fixing
interest.

138. (1) Except as provided in subsection (2), every bank that makes an agreement with another bank with respect to

- (a) the rate of interest on a deposit, or
 - (b) the rate of interest or the charges on a loan,
- and every director, officer or employee of the bank who knowingly makes such an agreement on behalf of the bank, is liable to a penalty of ten thousand dollars.

Exception.

(2) Subsection (1) does not apply to an agreement

- (a) with respect to a deposit or loan made or payable outside Canada;
- (b) applicable only to the dealings of two or more banks as regards a customer of such banks;
- (c) with respect to a bid for or purchase, sale or underwriting of securities by banks or a group including banks; or
- (d) requested or approved by the Minister.

Inspection.

Refusal
to give
evidence.

139. (1) Every person who refuses to give evidence under oath or to produce any book or document material thereto when required to do so by the Inspector or his representative when acting under subsection (4) of section 65 is guilty of an offence against this Act.

Making of
grant or
gratuity.

(2) Every bank that, and every director, officer or employee of a bank who, makes or pays a grant or gratuity in contravention of subsection (1) of section 68 is guilty of an offence against this Act.

(3) Every person who refuses or fails to furnish the Inspector with any information or explanations that the Inspector requires him to furnish under section 65 is guilty of an offence against this Act.

Refusal or failure to furnish information

140. (1) The Inspector or any other person appointed or employed under section 64 who accepts a grant or gratuity in contravention of subsection (1) of section 68 is guilty of an offence against this Act.

Acceptance of grant or gratuity.

(2) The Inspector or any other person appointed or employed under section 64 or any person to whom powers are delegated under subsection (4) of section 65 who discloses any information in contravention of subsection (2) of section 68 is guilty of an offence against this Act.

Disclosure of information.

Cash and Secondary Reserves.

141. When a bank knowingly fails to maintain a cash or secondary reserve as required by section 72, the amount of the deficiency shall be deemed to be a deficiency for the entire period, as specified in that section in relation to the reserve, in which it occurs and the bank is liable to a penalty at the rate of ten per cent per annum of the amount for that period.

Failure maintain reserves.

Issue and Circulation of Notes.

142. Every bank that issues or re-issues a note contrary to paragraph (a) of subsection (2) of section 75, and every director, officer or employee of the bank who knowingly is a party thereto, is guilty of an offence against this Act.

Issue and re-issue of notes.

143. Every person who issues or re-issues, makes, draws or endorses any bill, bond, note, cheque or other instrument, intended to circulate as money, or to be used as a substitute for money, is liable to a penalty of five hundred dollars.

Idem.

144. Every person who cuts, tears or otherwise mutilates, or in any way defaces a Bank of Canada note or a bank note is liable on summary conviction to a fine not exceeding twenty dollars.

Mutilation of notes.

Prohibited Business.

145. (1) Every bank that violates any of the provisions of paragraph (b), (c) or (d) of subsection (2) of

Bank doing prohibited business.

section 75 is liable to a penalty of five hundred dollars in respect of each violation.

Idem.

(2) Every bank that violates the provisions of paragraph (e) or (f) of subsection (2) of section 75 or section 76 is liable to a penalty of five thousand dollars in respect of each violation.

Where director personally interested.

(3) Except as authorized by this Act, if any director of a bank is present or votes at a meeting of the board during the time at the meeting when loans or advances to himself or any firm of which he is a member or any corporation of which he is a director are under consideration, the bank and the director are each liable to a penalty of five thousand dollars, and such director shall forthwith vacate his office of director and is not eligible for election as a director of a bank within a period of five years after the date of the said meeting of the board.

Acting for insurance company.

(4) Every bank that, and every officer or employee of a bank who, violates the provisions of subsection (6) of section 75 is liable to a penalty of five hundred dollars in respect of each violation.

Excess of liabilities.

(5) Every bank to which paragraph (g) of subsection (2) of section 75 applies that violates the provisions of that paragraph is subject to a penalty of one thousand dollars a day for each day in which the violation occurs.

Bank not selling shares subject to privileged lien.

146. Every bank having, by virtue of this Act, a privileged lien for any debt or liability for any debt to the bank, on the shares of its own capital stock held by the debtor or person liable, that

(a) neglects to sell such shares within twelve months after such debt or liability has accrued and become payable, or

Or selling without notice.

(b) sells any such shares without giving notice to the holder thereof of the intention of the bank to sell the same, by mailing such notice to the holder at his recorded address at least thirty days prior to such sale,

Penalty.

is liable to a penalty of five hundred dollars.

Warehouse Receipts, Bills of Lading and other Security.

Making false statements under s. 88.

147. Every person who wilfully makes any false statement

(a) in any warehouse receipt or bill of lading given to a bank under the authority of this Act, or

(b) in any document giving or purporting to give security upon property to a bank under section 88,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

148. Every person who, having possession or control of property mentioned in or covered by any warehouse receipt, bill of lading or any security given to the bank under section 88, and having knowledge of such receipt, bill of lading or security, without the consent of the bank in writing before the loan, advance, debt or liability thereby secured has been fully paid

Wilfully disposing of or withholding goods covered by security.

(a) wilfully alienates or parts with any such property, or

(b) wilfully withholds from the bank possession of any such property if demand for such possession is made by the bank after failure to pay such loan, advance, debt or liability,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

149. Where any debt or liability to a bank is secured by

(a) any warehouse receipt or bill of lading, or

(b) any security upon property given to the bank under section 88,

Non-compliance with requirements for sale

and is not paid, the bank is liable to a penalty of five hundred dollars if it sells the property covered by such warehouse receipt, bill of lading or security under the power of sale conferred upon it by this Act without complying with the provisions of this Act applicable to the exercise of such power of sale.

Penalty.

150. Every bank that acquires or holds any warehouse receipt or bill of lading or any document signed and delivered to the bank giving or purporting to give to the bank security on property under section 88, to secure the payment of any debt, liability, loan or advance, is liable to a penalty of five hundred dollars unless

Acquisition of warehouse receipts, bills of lading, etc.

(a) such debt, liability, loan or advance is contracted or made at the time of the acquisition by the bank of such warehouse receipt, bill of lading or document;

(b) such debt, liability, loan or advance is contracted or made upon the written promise or agreement that a warehouse receipt, bill of lading or security under section 88 would be given to the bank; or

(c) the acquisition or holding by the bank of the warehouse receipt, bill of lading or security is otherwise authorized by an Act of the Parliament of Canada.

Interest Charges.

Violation of
interest
provisions.

151. (1) Every bank that violates the provisions of section 91 is guilty of an offence and liable on summary conviction or on conviction upon indictment to a fine not exceeding one thousand dollars, and every person who, being an officer or employee of the bank, violates the provisions of section 91 is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

Interest
disclosure.

(2) Every bank that violates the provisions of subsection (2) or subsection (5) of section 92 is liable to a penalty of one thousand dollars in respect of each violation.

Returns.

Failure to
make
returns.

- 152.** (1) Every bank that fails
- (a) to make a return required to be made by it under this Act,
 - (b) to furnish to the Minister any information required to be furnished by it under subsection (1) of section 116, or
 - (c) to furnish to the Bank of Canada any information required to be furnished by it under section 117,

in the form and manner, within the time and containing the information prescribed by or pursuant to this Act, is liable to a penalty of fifty dollars for each day after the expiry of the time so prescribed for making the return or furnishing the information during which the failure continues.

Date of
posting
returns.

(2) If any return required to be made or any information required to be furnished under or pursuant to this Act is transmitted by post, the date appearing by the stamp or mark of the post office in Canada upon the envelope or wrapper enclosing the return or information received by the Minister or by the Bank of Canada, as the date of deposit in the post office shall be taken *prima facie* for the purpose of subsection (1) to be the day upon which the return was made or the information was furnished.

False
statements.

153. (1) Every director, officer or employee of a bank and every auditor of a bank who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive information, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) Every director, officer or employee of a bank and every auditor of a bank who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive information, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years. Idem.

Suspension of Payment.

154. (1) Every director of a bank who refuses to make or enforce or to concur in the making or enforcing of any call on the shareholders of the bank as required by section 122 is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years. Calls.

(2) Every director, officer or employee of a bank who, during any period of suspension of payment in Bank of Canada notes of any of the liabilities of the bank as they accrue, with knowledge of such suspension and without the consent of a duly appointed curator or liquidator, pays or causes to be paid to any person any debt or liability of the bank, is guilty of an offence against this Act. Payment of liabilities.

Undue Preference to the Bank's Creditors.

155. Every director, officer or employee of a bank who wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years. Undue preference to any creditor.

156. (1) Every person is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment or to a fine not exceeding twenty-five hundred dollars, or to both such fine and imprisonment, and, upon summary conviction, to imprisonment for six months, or to a fine not exceeding five hundred dollars, or to both such fine and imprisonment, who Obtaining gifts or showing favour.

- (a) being a director, officer or employee of a bank, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing

to show favour or disfavour to any person with relation to the bank's business or affairs; or
 (b) corruptly gives or agrees to give or offers any gift or consideration to a director, officer or employee of a bank as an inducement or reward or consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

"Con-
sideration"
defined.

(2) In this section "consideration" includes valuable consideration of any kind.

Use of the Title "bank", etc.

Unauthorized
use of title
"bank", etc.

157. (1) Every person who, in any language, uses the word "bank", "banker" or "banking", either alone or in combination with other words, or any word or words of import equivalent thereto, to indicate or describe his business in Canada or any part of his business in Canada without being authorized so to do by this or any other Act, is guilty of an offence against this Act.

Use of bank's
name in
prospectus or
advertisement.

(2) Every person who uses the name of a bank in a prospectus or advertisement for the sale of securities other than those issued by or guaranteed as to principal and interest by Canada or a province, a municipal or school corporation in Canada or a bank is guilty of an offence against this Act; but this subsection does not apply where such use is required by law and is confined to a statement contained in a prospectus that a corporation is the holder of shares of the capital stock or evidences of indebtedness of a bank.

Offences Relating to Share Transactions.

Unlawful
transfer of
bank stock.

158. (1) Every bank that violates any provision of section 53 or subsection (2) of section 56 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars; and every person who, being a director, officer, employee or agent of the bank, knowingly authorizes or permits a violation of any provision of section 53 or subsection (2) of section 56 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Unlawful
voting of
shares.

(2) Every person who knowingly violates any provision of section 54 or subsection (6) of section 56 is

guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Every bank to which subsection (1) of section 57 is applicable that violates any term or condition prescribed by the Governor in Council under that subsection is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars; and every person who, being a director, officer, employee or agent of the bank, knowingly authorizes or permits a violation of any term or condition prescribed by the Governor in Council under subsection (1) of section 57 and applicable to the bank is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Acceptance of
subscription
contrary to
conditions.

(4) Every person who knowingly votes any share of the capital stock of the bank in violation of any term or condition prescribed by the Governor in Council under subsection (2) of section 57 and applicable to the share voted is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Voting
shares
contrary to
conditions.

Punishment for Offences against this Act.

- 159.** Every person who commits an offence against this Act is, unless otherwise provided by this Act, liable
- (a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
 - (b) on conviction upon indictment, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

Punishment
for offences.

Procedure.

160. (1) Unless otherwise provided by this Act, pecuniary penalties imposed upon a bank or person by this Act are recoverable and enforceable, with costs, at the suit of Her Majesty instituted by the Attorney General of Canada, and such penalties belong to Her Majesty in right of Canada, except that the Governor in Council may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain

Pecuniary
penalties.

the objects of this Act and to secure the due administration thereof.

Waiver.

(2) The Minister may waive all or any part of the pecuniary penalties imposed by this Act in any case where in his opinion the circumstances so warrant.

REPEAL.

Repeal.

161. The *Bank Act*, chapter 48 of the Statutes of 1953-54, is repealed.

COMING INTO FORCE.

Coming
into force.

162. (1) Except as otherwise expressly provided in this Act, this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Saving.

(2) This section shall come into force on the day that this Act is assented to and section 6 shall come into force with respect to the banks to which the *Bank Act*, chapter 48 of the Statutes of Canada, 1953-54, applies, and section 6 of that Act is repealed, on the coming into force of this section.

Commence-
ment of
voting
restrictions.

(3) Section 54 and subsection (6) of section 56 shall come into force three months after this Act comes into force; and notwithstanding section 10 of *An Act to incorporate Bank of British Columbia* and *An Act to incorporate Bank of Western Canada*, respectively, sections 5 to 9 of those Acts, respectively, do not cease to have effect until section 54 of this Act comes into force.

SCHEDULE A

(Section 4)

Name of Bank	Additional name under which Bank is authorized to carry on business	Authorized capital stock	Par value of shares	Head office of the Bank
Bank of Montreal.....	Banque de Montréal.....	\$100,000,000	\$10	Montreal
The Bank of Nova Scotia.	La Banque de Nouvelle-Écosse	\$ 50,000,000	\$10	Halifax
The Toronto-Dominion Bank.....	La Banque Toronto-Dominion	\$ 50,000,000	\$10	Toronto
La Banque Provinciale du Canada.....	The Provincial Bank of Canada	\$ 20,000,000	\$10	Montreal
Canadian Imperial Bank of Commerce.....	Banque Canadienne Impériale de Commerce.....	\$125,000,000	\$10	Toronto
The Royal Bank of Canada.....	La Banque Royale du Canada.	\$100,000,000	\$10	Montreal
Banque Canadienne Nationale.....	National Canadian Bank.....	\$ 25,000,000	\$10	Montreal
The Mercantile Bank of Canada.....	La Banque Mercantile du Canada.....	\$ 10,000,000	\$10	Montreal
Bank of Western Canada..	Banque de l'Ouest Canadien..	\$ 25,000,000	\$10	Winnipeg
Bank of British Columbia	Banque de la Colombie-Britannique.....	\$100,000,000	\$10	Vancouver

SCHEDULE B

(Section 8)

An Act to incorporate the _____
(Insert name of bank)

Whereas the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (Insert names of those applying for incorporation; the full name, address and occupation of each provisional director must be given), together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name of (insert name of bank) hereinafter called "the Bank".

2. The persons named in section 1 shall be the provisional directors of the Bank.

3. The authorized capital stock of the Bank shall be _____ dollars, divided into shares having a par value of _____ dollar(s) each.

4. The head office of the Bank shall be at _____.

5. The additional name under which the Bank is authorized to carry on business is _____.

6. Schedule A of the *Bank Act* is amended by adding thereto the following:

"(Insert Name of Bank, Additional name under which Bank is authorized to carry on business, Authorized capital stock, Par value of shares and Head office of the Bank)"

SCHEDULE C

(Section 88 (1) (a), (b), (c) or (e)—security on all property of specified kinds)

For good and valuable consideration, the undersigned hereby assigns to the _____ Bank (hereinafter called "the bank") as continuing security for the payment of all loans and advances made or that may be made by the bank to the undersigned up to and including the _____ day of _____, 19____, pursuant to the application for credit and promise to give security made by the undersigned to the bank and dated the _____ day of _____, 19____, and any application(s) for credit and promise(s) to give security supplemental thereto made or that may be made by the undersigned to the bank or renewals of such loans and advances or substitutions therefor and interest on such loans and advances and on any such renewals and substitutions, all property of the kind(s) hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

*(Description of property)**

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

*(Designation of place or places)**

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

* (NOTE—The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE D

(Section 88 (1) (d) (i) or (ii))

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for the purchase of seed grain (*or seed potatoes*) (*or fertilizer*) to be sown (*or used*) upon land situated in the Province of _____ and being _____, the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the seed grain (*or seed potatoes*) purchased and the crop to be grown therefrom upon the land aforesaid (*or the fertilizer purchased and the crop to be grown from the land on which in the same season such fertilizer is to be used*).

This security is given under the provisions of section 88 of the *Bank Act*.

DATED at _____ the _____ day of _____, 19____.

SCHEDULE E

(Section 88 (1) (d) (iii))

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for the purchase of binder twine for use in the harvesting of a crop grown on land situated in the Province of _____ and being _____, the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the binder twine purchased and the crop in the harvesting of which the binder twine is to be used.

This security is given under the provisions of section 88 of the *Bank Act*.

DATED at _____ the _____ day of _____, 19____.

SCHEDULE F

(Section 88 (1) (c) or (e)—security on particular property)

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the property hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(*Description of property*)*

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

*(NOTE—The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE G

(Section 88 (1) (f) or (g))

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for the purchase (*or the installation or the purchase and installation, as the case may be*) of the property hereinafter described, the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the property hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(*Description of property*)*

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

*(NOTE—*The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.*)

SCHEDULE H

(Section 88 (1) (h)—security on all agricultural implements)

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for (*state the purpose(s) of the loan or advance, being one or more (as the case may be) of those mentioned in section 88 (1) (h)*), the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the following property, to wit,—all agricultural implements as defined in the *Bank Act* of which the undersigned is now or may hereafter become the owner and which are now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

*(NOTE—The designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE I

(Section 88 (1) (h)—security on particular agricultural implements)

In consideration of a loan or advance of _____ dollars made to the undersigned by the _____ Bank (hereinafter called "the bank"), for which the bank holds the following note(s) of the undersigned: (*describe the note(s)*), such loan or advance being made for (*state the purpose(s) of the loan or advance, being one or more (as the case may be) of those mentioned in section 88 (1) (h)*), the undersigned hereby assigns to the bank as security for the payment of the said loan or advance or renewals thereof or substitutions therefor and interest on such loan or advance and on any such renewals and substitutions, the property hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(*Description of property*)*

and which is now or may hereafter be in the place or places hereinafter designated, to wit,—

(*Designation of place or places*)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

* (NOTE—The description of property and the designation of place or places, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE J

(Section 88 (1) (i))

For good and valuable consideration, the undersigned hereby assigns to the _____ Bank (hereinafter called "the bank") as continuing security for the payment of all loans and advances made or that may be made by the bank to the undersigned up to and including the _____ day of _____, 19____, pursuant to the application for credit and promise to give security made by the undersigned to the bank and dated the _____ day of _____, 19____, and any application(s) for credit and promise(s) to give security supplemental thereto made or that may be made by the undersigned to the bank or renewals of such loans and advances or substitutions therefor and interest on such loans and advances and on any such renewals and substitutions, all property of the kind(s) hereinafter described of which the undersigned is now or may hereafter become the owner, to wit,—

(Description of property)*

wherever such property may be; registered vessel(s) and/or recorded vessel(s) being built or equipped or about to be built comprised in the said property being the following:

(Number, name and port of registry of each registered or recorded vessel)*

This security is given under the provisions of section 88 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (*or as the case may be*).

DATED at _____ the _____ day of

_____, 19____.

* (NOTE—*The description of property, or any part thereof, may be set out on the back of the form or in a schedule annexed.*)

SCHEDULE K

(Section 88 (4)(k))

Notice of Intention

To Whom it May Concern:

.....
 (name of person, firm or company. P.O. address)

hereby gives notice that it is _____ intention to give security under the authority of section 88 of the *Bank Act*, to the _____ Bank.

DATED at _____ this _____ day of _____, 19____.

SCHEDULE L

(Section 82 (2))

For good and valuable consideration, the undersigned hereby assigns, transfers and sets over to the _____ Bank (hereinafter called "the bank") as continuing security for the payment of all loans and advances made or that may be made by the bank to (insert the words "the undersigned" if signatory is the borrower: if not, insert name of borrower) or renewals of such loans and advances or substitutions therefor and interest on such loans and advances and on any such renewals and substitutions, the following property of which the undersigned is now or may hereafter become the owner, to wit,—

(Description and location of property of any or all of the kinds mentioned in section 82 of the *Bank Act*)*

and the undersigned hereby covenants and agrees to sign and deliver to the bank such other and further assurances by way of transfer or otherwise as the bank may request.

This security is given under the provisions of section 82 of the *Bank Act*.

The property now owned by the undersigned and hereby assigned is free from any mortgage, lien or charge thereon other than previous assignments, if any, to the bank (or as the case may be), and the undersigned warrants that the property which may hereafter be acquired by the undersigned and is hereby assigned shall be free from any mortgage, lien or charge thereon, other than previous assignments, if any, to the bank (or as the case may be).

DATED at _____ the _____ day of _____, 19____.

* (NOTE—The description and location of property, or any part thereof, may be set out on the back of the form or in a schedule annexed.)

SCHEDULE M

(Section 103)

Return of Assets and Liabilities

of the _____ Bank

as at _____ 19 ____.

(In thousands of dollars)

ASSETS

1. Gold coin and bullion..... \$
2. Other coin in Canada.....
3. Other coin outside Canada.....
4. Notes of and deposits with Bank of Canada.....
5. Government and bank notes other than Canadian...
6. Deposits with banks, in Canadian currency.....
7. Deposits with banks, in currencies other than Canadian.....
8. Cheques and other items in transit, net.....
9. Treasury bills of Canada, at amortized value.....
10. Other securities issued or guaranteed by Canada maturing within three years, at amortized value...
11. Securities issued or guaranteed by Canada not maturing within three years, at amortized value...
12. Securities issued or guaranteed by a province, at amortized value.....
13. Securities issued or guaranteed by a municipal or school corporation in Canada, not exceeding market value.....
14. Securities of other Canadian issuers, not exceeding market value.....
15. Securities of issuers other than Canadian, not exceeding market value.....
16. Mortgages and hypothecs insured under the *National Housing Act, 1954*.....
17. Day, call and short loans to investment dealers and brokers, in Canadian currency, secured.....
18. Day, call and short loans to investment dealers and brokers, in currencies other than Canadian, secured
19. Loans to a province, in Canadian currency.....
20. Loans to a municipal or school corporation in Canada, in Canadian currency, less provision for losses.....
21. Other loans in Canadian currency, less provision for losses.....

SCHEDULE M—*Concluded*

22.	Other loans in currencies other than Canadian, less provision for losses.....	
23.	Bank premises at cost, less amounts written off.....	
24.	Securities of and loans to a corporation controlled by the bank.....	
25.	Customers' liability under acceptances, guarantees and letters of credit, as per contra.....	
26.	Other assets.....	
	Total assets.....	\$ <u><u> </u></u>

LIABILITIES

1.	Deposits by Canada, in Canadian currency.....	\$
2.	Deposits by a province, in Canadian currency.....	
3.	Deposits by banks, in Canadian currency.....	
4.	Deposits by banks, in currencies other than Canadian	
5.	Personal savings deposits payable after notice, in Canada, in Canadian currency.....	
6.	Other deposits payable after notice, in Canadian currency.....	
7.	Other deposits payable on demand, in Canadian currency.....	
8.	Other deposits, in currencies other than Canadian....	
9.	Advances from Bank of Canada, secured.....	
10.	Acceptances, guarantees and letters of credit.....	
11.	Other liabilities.....	
12.	Debentures issued and outstanding.....	
13.	Capital paid up.....	
14.	Rest account.....	
15.	Undivided profits at latest financial year end.....	<u> </u>
	Total liabilities.....	\$ <u><u> </u></u>

SUPPLEMENTARY INFORMATION

Aggregate amount of loans to directors and firms of which they are members and loans for which they are guarantors \$					
Amount in currencies other than Canadian included in					
Asset 8	Asset 10	Asset 11	Asset 12	Asset 13	Asset 14
\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
Branch returns antedating the last day of the month used in the preparation of this return:					
Branch			Date of return		
Controlled banking corporations whose assets and liabilities are included in this return.....					

SCHEDULE N

(Section 60(2)(a))

Statement of Assets and Liabilities

of the _____ Bank

as at October 31, 19____.

ASSETS

1. Cash and due from banks..... \$
2. Cheques and other items in transit, net.....
3. Securities issued or guaranteed by Canada, at amortized value.....
4. Securities issued or guaranteed by a province, at amortized value.....
5. Other securities, not exceeding market value.....
6. Day, call and short loans to investment dealers and brokers, secured.....
7. Other loans, including mortgages, less provision for losses.....
8. Bank premises at cost, less amounts written off.....
9. Securities of and loans to a corporation controlled by the bank.....
10. Customers' liability under acceptances, guarantees and letters of credit, as per contra.....
11. Other assets.....

\$

LIABILITIES

1. Deposits by Canada..... \$
2. Deposits by a province.....
3. Deposits by banks.....
4. Personal savings deposits payable after notice, in Canada, in Canadian currency.....
5. Other deposits.....
6. Advances from Bank of Canada, secured.....
7. Acceptances, guarantees and letters of credit.....
8. Other liabilities.....
9. Accumulated appropriations for losses.....
10. Debentures issued and outstanding.....
11. Capital paid up.....
12. Rest account.....
13. Undivided profits.....

\$

Note: Titles should be deleted where there are no amounts to be reported thereunder. Omit cents.

SCHEDULE O

(Section 60(2)(b))

Statement of Revenue, Expenses and Undivided Profits
 of the _____ Bank
 for the financial year ended October 31, 19____.

REVENUE

- | | |
|---------------------------------|-------|
| 1. Income from loans..... | \$ |
| 2. Income from securities..... | |
| 3. Other operating revenue..... | _____ |
| 4. Total revenue..... | _____ |

EXPENSES

- | | |
|--|---------|
| 5. Interest on deposits and bank debentures..... | |
| 6. Salaries, pension contributions and other staff benefits. | |
| 7. Property expenses, including depreciation..... | |
| 8. Other operating expenses, including provision for
losses on loans based on five-year average loss ex-
perience..... | _____ |
| 9. Total expenses..... | _____ |
| 10. Balance of revenue..... | _____ |
| 11. Appropriation for losses..... | _____ |
| 12. Balance of profits before income taxes..... | _____ |
| 13. Provision for income taxes relating thereto..... | _____ |
| 14. Balance of profits for the year..... | _____ |
| 15. Dividends..... | _____ |
| 16. Amount carried forward..... | _____ |
| 17. Undivided profits at beginning of year..... | _____ |
| 18. Transfer from accumulated appropriations for losses.. | _____ |
| 19. Transferred to Rest account..... | _____ |
| 20. Undivided profits at end of year..... | \$_____ |

Note: Titles should be deleted where there are no amounts to be reported thereunder. Omit cents.

SCHEDULE P

(Section 60(2)(c))

Statement of Accumulated Appropriations for Losses
of the _____ Bank
for the financial year ended October 31, 19_____.

1. Accumulated appropriations at beginning of year
General _____ Tax-paid _____ Total.... \$
2. Appropriation from current year's operations.....
3. Loss experience on loans less provision included in
other operating expenses.....
4. Profits and losses on securities, including provisions
to reduce securities other than those of Canada and a
province to values not exceeding market.....
5. Other profits, losses and non-recurring items, net. . . .
6. Provision for income taxes.....
7. Transferred to undivided profits..... _____
8. Accumulated appropriations at end of year
General _____ Tax-paid _____ Total..... \$

Note: Titles should be deleted where there are no amounts to be reported thereunder. Omit cents.

SCHEDULE Q

(Section 106)

Return of Revenue, Expenses and Other Information
of the _____ Bank
for the financial year ended October 31, 19_____.

(In thousands of dollars)

REVENUE

- 1. Income from loans..... \$
- 2. Income from securities.....
- 3. Other operating revenue.....
- 4. Total revenue.....

EXPENSES

- 5. Interest on deposits and bank debentures.....
- 6. Salaries, pension contributions and other staff benefits
- 7. Property expenses, including depreciation.....
- 8. Other operating expenses, including provision for losses
on loans based on five-year average loss experience..
- 9. Total expenses.....

SUPPLEMENTARY INFORMATION

- 10. Provision for income taxes.....
- 11. Dividends to shareholders.....
- 12. Loss experience on loans, securities and other invest-
ments less provision included in other operating
expenses.....
- 13. Leaving for shareholders' equity and accumulated
appropriations for losses.....
- 14. Capital contributions from shareholders.....
- 15. Net additions to shareholders' equity and accumulated
appropriations for losses.....
- 16. Allocated to:
 - Undivided profits.....
 - Rest account.....
 - Capital paid up.....
 - General appropriations.....
 - Tax-paid appropriations.....

SCHEDULE R

(Section 73 (4))

PART I

Name of Bank

1. Bank of Montreal

- (a) The Montreal Bank
- (b) The Molsons Bank
- (c) The Merchants Bank of Canada
- (d) The Merchants Bank (Quebec charter)
- (e) The Bank of British North America
- (f) The Peoples Bank of New Brunswick
- (g) The People's Bank of Halifax
- (h) The Exchange Bank of Yarmouth
- (i) Commercial Bank of Canada
- (j) The Commercial Bank of the Midland District
- (k) Bank of the People, Toronto

2. The Bank of Nova Scotia

- (a) The Bank of Ottawa
- (b) The Metropolitan Bank
- (c) Bank of New Brunswick
- (d) The Summerside Bank
- (e) Union Bank of Prince Edward Island

3. The Bank of Toronto

4. La Banque Provinciale du Canada

- (a) La Banque Jacques-Cartier

5. The Canadian Bank of Commerce

- (a) The Standard Bank of Canada
- (b) The Sterling Bank of Canada
- (c) Bank of Hamilton
- (d) The Eastern Townships Bank
- (e) The Western Bank of Canada
- (f) The Merchants Bank of Prince Edward Island
- (g) The Halifax Banking Company
- (h) The Bank of British Columbia
- (i) The St. Lawrence Bank
- (j) Gore Bank

6. The Royal Bank of Canada

- (a) Union Bank of Canada
- (b) Union Bank of Lower Canada
- (c) The Northern Crown Bank
- (d) The Quebec Bank
- (e) The Traders Bank of Canada

SCHEDULE R—*Concluded*

- (f) United Empire Bank
- (g) Union Bank of Halifax
- (h) The Crown Bank of Canada
- (i) The Northern Bank
- (j) Commercial Bank of Windsor
- (k) Merchants Bank of Halifax
- (l) The Merchants Bank (Nova Scotia charter)

7. The Dominion Bank

8. Banque Canadienne Nationale
- (a) La Banque d'Hochelaga
 - (b) La Banque Nationale

9. Imperial Bank of Canada
- (a) The Weyburn Security Bank
 - (b) Niagara District Bank

10. Barclays Bank (Canada)

PART II

- 11. The Home Bank of Canada
- 12. Banque Internationale du Canada
- 13. The Bank of Vancouver
- 14. The Farmers Bank of Canada
- 15. St. Stephens Bank
- 16. La Banque de St. Jean
- 17. La Banque de St. Hyacinthe
- 18. The Sovereign Bank of Canada
- 19. Bank of Yarmouth
- 20. La Banque Ville Marie
- 21. La Banque du Peuple
- 22. The Commercial Bank of Manitoba

Notes

1. *The names indented under those of banks in Part I are names that have been changed or of banks that have been merged and wound up. The names in Part II are those of banks that have been placed in liquidation and wound up.*

2. *Notes issued by the Ontario Bank intended for circulation in Canada and outstanding are redeemable by The Royal Trust Company, Toronto.*

3. *Notes issued by banks other than the Ontario Bank and those enumerated in this Schedule, intended for circulation in Canada and outstanding, are not redeemable.*

SCHEDULE S

Declaration Required by Section 118(1)

PART I

I declare that the above return is correct according to the books of the bank.

Dated at _____ this _____ day of

_____, 19 ____.

Chief Accountant.

PART II

We declare that the foregoing return, to the best of our knowledge and belief, is correct and presents fairly the information required by section _____ of the *Bank Act* according to the latest information available to us.

Dated at _____ this _____ day of

_____, 19 ____.

President

General Manager.

14-15-16 ELIZABETH II.

CHAP. 88

An Act to amend the Bank of Canada Act.

[Assented to 23rd March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., cc. 13,
315;
1953-54, c. 33.

1. (1) Paragraph (d) of section 2 of the *Bank of Canada Act* is repealed and the following substituted therefor: 1953-54, c. 33,
s. 1.

“(d) “Deputy Governor” in sections 5, 6, 8, 13, 15, 27 and 28 means the Deputy Governor appointed under section 6;” “Deputy
Governor.”

(2) Paragraph (h) of section 2 of the said Act is repealed and the following substituted therefor: 1953-54, c. 33,
s. 1.

“(h) “notes” means notes of the Bank of Canada intended for circulation in Canada.” “Notes.”

2. Paragraph (d) of subsection (4) of section 6 of the said Act is repealed and the following substituted therefor: 1953-54, c. 33,
s. 2.

“(d) except as authorized by or under any Act of Parliament, is a director, partner, officer or employee of any other bank or financial institution or has an interest as a shareholder in any other bank or financial institution; or”

3. Subsection (1) of section 10 of the said Act is repealed and the following substituted therefor:

“**10.** (1) The directors shall be selected from diversified occupations; but no person is eligible for Selection of
directors.

appointment who is a director, partner, officer or employee of any of the following financial institutions, namely,

- (a) a chartered bank,
- (b) a bank to which the *Quebec Savings Banks Act* applies, or
- (c) an investment dealer that acts as a primary distributor of new Government of Canada securities,

and any person appointed as a director who is a shareholder of any such financial institution shall divest himself of ownership of his shares within three months of the date of his appointment and shall not thereafter during the term of his office have an interest, either directly or indirectly, as a shareholder in any such financial institution."

1953-54, c. 33,
s. 4.

4. Section 11 of the said Act is repealed and the following substituted therefor:

Directors'
fees.

"11. The directors are entitled to receive for attendance at directors' meetings and Executive Committee meetings such fees as may be fixed by the by-laws of the Bank, but the aggregate amount of the fees paid to all directors exclusive of expenses shall not exceed sixty thousand dollars in any year."

5. Subsection (1) of section 13 of the said Act is repealed and the following substituted therefor:

Constitution
of Executive
Committee.

"13. (1) There shall be an Executive Committee of the Board, consisting of the Governor, the Deputy Governor and two directors selected by the Board."

6. Section 14 of the said Act is repealed and the following substituted therefor:

"GOVERNMENT DIRECTIVE.

Consulta-
tions.

14. (1) The Minister and the Governor shall consult regularly on monetary policy and on its relation to general economic policy.

Minister's
directive.

(2) If, notwithstanding the consultations provided for in subsection (1), there should emerge a difference of opinion between the Minister and the Bank concerning the monetary policy to be followed,

the Minister may, after consultation with the Governor and with the approval of the Governor in Council, give to the Governor a written directive concerning monetary policy, in specific terms and applicable for a specified period, and the Bank shall comply with such directive.

(3) A directive given under this section shall be published forthwith in the *Canada Gazette* and shall be laid before Parliament within fifteen days after the giving thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting."

Publication
and report.

7. (1) Subsection (2) of section 15 of the said Act is repealed, and subsection (3) of that section is re-numbered as subsection (2). 1953-54, c. 33,
s. 6.

(2) Section 15 of the said Act is further amended by adding thereto the following subsection:

"(3) A by-law made under subsection (2) that provides for or relates to the payment of a pension in respect of the retirement of the Governor or Deputy Governor otherwise than by reason of age or disability does not take effect unless it is approved by the Governor in Council."

By-laws
respecting
Governor
and Deputy
Governor.

8. The said Act is further amended by adding thereto, immediately before section 16 thereof, the following heading:

"SECRECY."

9. (1) Paragraph (a) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor: 1953-54, c. 33,
s. 7.

"(a) buy and sell gold, silver, nickel and bronze coin or any other coin and gold and silver bullion;"

(2) Paragraph (h) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor: 1953-54, c. 33,
s. 7.

"(h) make loans or advances for periods not exceeding six months to chartered banks or to banks to which the *Quebec Savings Banks Act* applies on the pledge or hypothecation of the classes of securities mentioned in the preceding

Loans and
advances.

paragraphs of this subsection, of bills of exchange or promissory notes, or of Canadian municipal securities, or of securities issued by a school corporation or parish trustees, or of securities issued pursuant to the statutes of a province making provision for the payment thereof and the interest thereon by the province, or of mortgages or hypothecs, or of gold or silver coin or bullion or documents of title relating thereto;"

1953-54, c. 33,
s. 7.

(3) Paragraph (m) of subsection (1) of section 18 of the said Act is repealed and the following substituted therefor:

"(m) open accounts in a central bank in any other country or in the Bank for International Settlements, accept deposits from central banks in other countries, the Bank for International Settlements, the International Monetary Fund, the International Bank for Reconstruction and Development and any other official international financial organization, and act as agent, depository or correspondent for any of such banks or organizations; and the Bank may pay interest on any such deposits;"

1953-54, c. 33,
s. 7.

(4) Paragraphs (o) to (q) of subsection (1) of section 18 of the said Act are repealed and the following substituted therefor:

Unclaimed
deposits, etc.

"(o) accept deposits of money that by the *Bank Act* or the *Quebec Savings Banks Act* are authorized or required to be transferred to the Bank, and, in accordance with the said Acts, pay interest on money so deposited and pay out money to any person entitled thereto under the said Acts; and

Incidental
powers.

(p) do any other banking business incidental to or consequential upon the provisions of this Act and not prohibited by this Act."

1953-54, c. 33,
s. 7.

(5) Subsections (2) and (3) of section 18 and all that portion of subsection (4) of section 18 of the said Act preceding paragraph (a) thereof are repealed and the following substituted therefor:

Percentage
of deposit
liabilities to
be main-
tained as
average
secondary
reserve.

"(2) The Bank may fix the percentage of the deposit liabilities of the chartered banks payable in Canadian currency that the banks are required by subsection (4)

of section 72 of the *Bank Act* to maintain as an average secondary reserve during any month, in accordance with the following provisions:

- (a) when no percentage is in effect for any month, the Bank shall not fix a percentage greater than six for the next following month;
- (b) when a percentage is in effect for any month, the Bank shall not increase such percentage by more than one for the next following month;
- (c) the Bank shall not fix a percentage greater than twelve;
- (d) wherever the Bank fixes a percentage or revokes the requirement to maintain a secondary reserve, it shall mail to each chartered bank a written notice of its action specifying the month for which it will be effective and shall publish such notice forthwith in the *Canada Gazette*, and, except where the percentage is fixed for a month at a lower percentage than for the immediately preceding month or where the requirement to maintain a secondary reserve is revoked, the notice shall be mailed not less than thirty days before the first day of the month so specified; and
- (e) when a percentage has been established for any month, it shall remain in effect until the last day of the month preceding the month for which a new percentage is fixed, or until the last day of the month preceding the month for which the requirement to maintain a secondary reserve is revoked.

(3) The Bank may acquire from any chartered bank and hold any warehouse receipt, bill of lading and other security, held by such chartered bank pursuant to the provisions of the *Bank Act*, as security for the repayment of any bill of exchange or promissory note acquired by the Bank under subsection (1); and the Bank may exercise every right and remedy in respect of such security as could have been exercised by the chartered bank.

Acquisition
of collateral
securities.

(4) The Bank shall at all times make public the minimum rate at which it is prepared to make loans or advances.

Publication
of minimum
interest
rates
on loans.

(5) The Bank is not liable, and no action shall be taken, for or in respect of any unpaid debt or instrument in respect of which a chartered bank, or a bank to which the *Quebec Savings Banks Act* applies, has made a payment to the Bank under the *Bank Act* or the *Quebec Savings Banks Act*, or any claim against a

Prescription
of unpaid
claims.

liquidator in respect of the winding up of a chartered bank the amount of which claim has been paid to the Minister and by the Minister to the Bank under the *Bank Act*, if the amount paid to the Bank was less than twenty-five dollars, and"

10. Paragraph (e) of section 19 of the said Act is repealed and the following substituted therefor:

"(e) pay interest on any money deposited with the Bank; or"

11. Subsection (1) of section 20 of the said Act is repealed and the following substituted therefor:

Fiscal agent
of Canadian
Government.

"**20.** (1) The Bank shall act as fiscal agent of the Government of Canada without charge."

1953-54, c. 33,
s. 8(1).

12. Subsection (1) of section 21 of the said Act is repealed and the following substituted therefor:

Sole right
of note
issue.

"**21.** (1) The Bank has the sole right to issue notes intended for circulation in Canada and such notes shall be a first charge upon the assets of the Bank."

1953-54, c. 33,
s. 9.

13. The heading preceding section 22 and section 22 of the said Act are repealed and the following substituted therefor:

"REDEMPTION OF NOTES OTHER THAN THOSE OF
THE BANK.

Liability for
notes.

22. (1) The Bank is responsible for the redemption of notes payable to bearer on demand that were issued and outstanding on the 11th day of March, 1935, and immediately prior to that day constituted a direct liability of Canada, and such notes are and continue to be legal tender.

Idem.

(2) The Bank is responsible for the redemption of notes of the Canadian banks listed in Schedule R of the *Bank Act* that were issued prior to the 1st day of January, 1950, and intended for circulation in Canada."

1953-54, c. 33,
s. 10.

14. The heading preceding section 23 of the said Act and section 23 are repealed.

15. The heading preceding section 24 of the said Act is repealed and the following substituted therefor:

"REST FUND."

16. Subsection (3) of section 27 of the said Act is repealed and the following substituted therefor: 1953-54, c. 33, s. 15(2).

“(3) The Minister shall lay the copy of the accounts and Governor’s report mentioned in subsection (2) before Parliament within twenty-one days after the receipt thereof by him if Parliament is then sitting, or if Parliament is then not sitting, within twenty-one days after the commencement of the next ensuing session.” Report to Parliament.

17. Section 30 of the said Act is repealed. 1953-54, c. 33, s. 16(2).

18. (1) Schedule B to the said Act is amended by striking out Item 2 thereof under the heading “Assets” and substituting therefor the following: 1953-54, c. 33, s. 19.

- “2. Deposits payable in Foreign Currencies:
 (a) Pounds Sterling and U.S.A. Dollars
 (b) Other currencies”

(2) Schedule B to the said Act is further amended by striking out paragraphs (b) and (c) of Item 6 thereof under the heading “Assets” and substituting therefor the following: 1953-54, c. 33, s. 19.

- “(b) Other securities issued or guaranteed by Canada maturing within three years
 (c) Other securities issued or guaranteed by Canada, not maturing within three years”

(3) Schedule B to the said Act is further amended by striking out paragraph (f) of Item 6 thereof under the heading “Assets” and substituting therefor the following: 1953-54, c. 33, s. 19.

- “(f) Securities issued by the United Kingdom and the United States of America
 (g) Other Securities”

(4) Schedule B to the said Act is further amended by striking out Item 5 thereof under the heading “Liabilities” and substituting therefor the following: 1953-54, c. 33, s. 19.

- “5. Liabilities Payable in Foreign Currencies:
 (a) To Government of Canada
 (b) To Others”

1953-54, c. 33, s. 19. **19.** Schedule C to the said Act is amended by striking out all that portion of Item 1 preceding paragraph (b) thereof and substituting therefor the following:

“1. Maturity distribution of investments in securities issued or guaranteed by Canada not maturing within three years (item 6 (c) of Schedule B)

(a) Securities maturing in over 3 years but not over 5 years”

R.S., c. 315, s. 7(1)(c) amended. **20.** (1) Paragraph (c) of subsection (1) of section 7 of the *Currency, Mint and Exchange Fund Act* is repealed and the following substituted therefor:

“(c) in notes issued by the Bank of Canada pursuant to the *Bank of Canada Act* intended for circulation in Canada.”

R.S., c. 315, s. 25 repealed. (2) Section 25 of the *Currency, Mint and Exchange Fund Act* is repealed.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 89

An Act to authorize the making of certain fiscal payments to provinces, to authorize the entry into tax collection agreements with provinces, and to amend the Established Programs (Interim Arrangements) Act.

[Assented to 23rd March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Federal-Provincial Fiscal Arrangements Act, 1967*. Short title.

INTERPRETATION.

2. In this Act,
- | | |
|--|--------------------------------|
| (a) "fiscal year" means the period of twelve months commencing on the 1st day of April and ending on the 31st day of March next following; | Definitions.
"Fiscal year." |
| (b) "former Act" means the <i>Federal-Provincial Fiscal Arrangements Act</i> , chapter 58 of the Statutes of Canada, 1960-61, as amended; | "Former Act." |
| (c) "Minister" means the Minister of Finance; | "Minister." |
| (d) "prescribed" means prescribed by regulation; | "Pre-scribed." |
| (e) "province" does not include the Northwest Territories or the Yukon Territory; and | "Province." |
| (f) "regulation" means a regulation made under this Act. | "Regulation." |

PART I.

EQUALIZATION, STABILIZATION AND
SUCCESSION DUTY PAYMENTS.

Provincial
revenue
equalization
payments.

3. Subject to this Act, the Minister may pay to a province, for each fiscal year in the period commencing on the 1st day of April, 1967 and ending on the 31st day of March, 1972, a provincial revenue equalization payment not exceeding the amount computed in accordance with section 7.

Provincial
revenue
stabilization
payments.

4. Subject to this Act, the Minister may pay to a province, for each fiscal year commencing on or after the 1st day of April, 1967, a provincial revenue stabilization payment not exceeding the amount computed in accordance with section 10.

Succession
duty
payments.

5. (1) The Minister may, for each fiscal year commencing on or after the 1st day of April, 1967, pay to a province that does not levy a succession duty as defined by regulation in respect of successions or transmissions consequent upon, or on property passing upon, any death occurring in the fiscal year, an amount equal to the basic estate tax applicable to the province for the fiscal year.

Idem.

(2) The Minister may, for each fiscal year commencing on or after the 1st day of April, 1967, pay to a province that levies a succession duty as defined by regulation in respect of successions or transmissions consequent upon, or on property passing upon, any death occurring in the fiscal year, if that province does not increase its succession duties in the fiscal year beyond the rates thereof in effect on the 31st day of March, 1964, an amount equal to one-third of the basic estate tax applicable to the province for the fiscal year.

"Basic
estate tax"
defined.

(3) In this section, "basic estate tax" as applied to a province for a fiscal year means the amount, as determined by the Minister, that would be derived from a tax equal to seventy-five per cent of the total amount of estate tax payable pursuant to the *Estate Tax Act* in respect of

- (a) property situated in the province and included in the estates of persons dying in the fiscal year domiciled in the province,
- (b) property situated in the province and included in the estates of persons dying in the fiscal year domiciled outside the province, and
- (c) property (other than real property) situated outside Canada, passing to persons domiciled or resident in the province and included in the

estates of persons dying in the fiscal year domiciled in the province.

6. The amounts authorized to be paid by sections 3, 4 and 5 shall be paid out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed.

Consolidated
Revenue
Fund.

PROVINCIAL REVENUE EQUALIZATION PAYMENTS.

7. The provincial revenue equalization payment that may be paid to a province for a fiscal year is an amount equal to

Provincial
revenue
equalization
payments.

- (a) the general equalization applicable to the province for the fiscal year computed in accordance with section 8,
- (b) in the case of a province to which a grant was paid under subsection (2) of section 3 of the former Act in respect of the fiscal year commencing on the 1st day of April, 1966, the guaranteed equalization applicable to the province for the fiscal year computed in accordance with subsection (1) of section 9, or
- (c) in the case of the Province of Saskatchewan and in respect of each fiscal year in the period commencing on the 1st day of April, 1967 and ending on the 31st day of March, 1971, the guaranteed equalization applicable to the province for the fiscal year computed in accordance with subsection (2) of section 9,

whichever is the greatest.

8. (1) The general equalization applicable to a province for a fiscal year is an amount, as determined by the Minister, equal to the product obtained by multiplying the population of the province for the fiscal year by the amount, if any, that will cause

General
equalization.

- (a) the per capita amount derived by dividing
 - (i) the aggregate of the products obtained by multiplying the national average provincial revenue rate for each revenue source for the fiscal year by the revenue base for that revenue source for the province for the fiscal year,
- by
- (ii) the population of the province for the fiscal year,

to equal

- (b) the per capita amount derived by dividing
 - (i) the aggregate of the products obtained by multiplying the national average provincial

revenue rate for each revenue source for the fiscal year by the revenue base for that revenue source for all the provinces for the fiscal year,

by

(ii) the total population of all the provinces for the fiscal year.

Definitions.

"Fiscal period."

(2) In this section,
(a) "fiscal period" for a revenue source means such period as may be prescribed, in the case of that revenue source, for the purpose of determining the national average provincial revenue rate for that revenue source for a fiscal year;

"National average provincial revenue rate."

(b) "national average provincial revenue rate" for a revenue source for a fiscal year is the rate derived by dividing

(i) the total revenue, as determined by the Minister, from that revenue source for all the provinces for the fiscal period prescribed in the case of that revenue source,

by

(ii) the total revenue base, as determined by the Minister, for that revenue source for all the provinces for the fiscal period prescribed in the case of that revenue source;

"Revenue base."

(c) "revenue base" for a revenue source for a province for a fiscal year has the meaning given to that expression by regulation; and

"Revenue source."

(d) "revenue source" means any of the following sources, as more particularly defined by regulation, from which provincial revenues are or may be derived, namely:

- (i) personal income tax,
- (ii) corporation income tax,
- (iii) succession duties and shares of estate tax,
- (iv) general sales tax,
- (v) motor fuel tax,
- (vi) motor vehicle revenues,
- (vii) alcoholic beverage revenues,
- (viii) forestry revenues,
- (ix) oil royalties,
- (x) natural gas royalties,
- (xi) sales of Crown leases and reservations on oil and natural gas lands,
- (xii) oil and gas revenues, other than those described in subparagraphs (ix), (x) and (xi),

- (xiii) metallic and non-metallic mineral revenues,
- (xiv) water power rentals,
- (xv) provincial taxes, other than those described in any of subparagraphs (i) to (xiv), and
- (xvi) miscellaneous provincial revenues.

Application
of section
8(2)(b).

(3) In determining for the purposes of paragraph (b) of subsection (2) of this section the revenue from the revenue source described in subparagraph (i) of paragraph (d) of subsection (2) for a province for a fiscal year, the Minister may deduct from the amount that but for this subsection would have been the revenue therefrom the estimated amount, as determined by the Minister, by which the revenues derived by Canada from individual income taxes for the taxation year ending in that fiscal year under the *Income Tax Act* are less than the revenues that would have been derived from such taxes for that taxation year if no additional amounts had been deductible under section 33 of that Act, in the case of individuals resident in that province in that taxation year,

- (a) in consequence of the province providing schooling allowances within the meaning of the *Youth Allowances Act*, and
- (b) in consequence of the application to that province of the *Established Programs (Interim Arrangements) Act*.

Determina-
tion of
population.

- (4) For purposes of this section,
- (a) the population of a province
 - (i) for a calendar year in which a census thereof was taken, is the population as ascertained by the census, and
 - (ii) for any other calendar year, is the population on the 1st day of June in that year as estimated by the Dominion Statistician on the assumption that the population changed by the same number of persons annually between censuses; and
- (b) the population of a province for a fiscal year is the population determined in accordance with this subsection for the calendar year in which the fiscal year begins.

9. (1) The guaranteed equalization applicable to a province referred to in paragraph (b) of section 7 for a fiscal year is an amount equal to the aggregate of

Guaranteed
equalization.

- (a) the amounts payable to the province under subsections (1) and (2) of section 3 of the former Act in respect of the fiscal year commencing on the 1st day of April, 1966,

- (b) in the case of the Provinces of Nova Scotia, New Brunswick and Newfoundland, the amount of ten and one-half million dollars each, and
- (c) in the case of the Province of Prince Edward Island, the amount of three and one-half million dollars.

Saskatchewan
revenue
stabilization
payments.

(2) The guaranteed equalization applicable to the Province of Saskatchewan for a fiscal year is an amount, as determined by the Minister, equal to the product obtained by multiplying the amount payable to the Province of Saskatchewan under subsection (1) of section 3 of the former Act in respect of the fiscal year commencing on the 1st day of April, 1966, by the following fraction:

- (a) in respect of the fiscal year commencing on April 1, 1967, four-fifths;
- (b) in respect of the fiscal year commencing on April 1, 1968, three-fifths;
- (c) in respect of the fiscal year commencing on April 1, 1969, two-fifths; and
- (d) in respect of the fiscal year commencing on April 1, 1970, one-fifth.

PROVINCIAL REVENUE STABILIZATION PAYMENTS.

Provincial
revenue
stabilization
payments.

10. (1) The provincial revenue stabilization payment that may be paid to a province for a fiscal year is the amount, as determined by the Minister, by which

- (a) ninety-five per cent of the net general revenue of the province for the immediately preceding fiscal year

exceeds

- (b) the adjusted current net general revenue of the province for the fiscal year.

Definitions.

"Adjusted
current net
general
revenue."

- (2) In this section,
- (a) "adjusted current net general revenue", as applied to a province for a fiscal year, means the net general revenue for the fiscal year adjusted in prescribed manner on the basis of the revenue rates and revenue structure of the province in effect for the immediately preceding year; and

"Net
general
revenue."

- (b) "net general revenue", as applied to a province for a fiscal year, means the net general revenue for the fiscal year as shown in the table "Net General Revenue for Fiscal Year" in the publication of the Dominion Bureau of Statistics entitled "Provincial Government Finance, Revenue and Expenditure", altered in prescribed manner to reflect

- (i) the average revenue of the province from the revenue source described in subparagraph (iii) of paragraph (d) of subsection (2) of section 8 for that and the two immediately preceding fiscal years, and
- (ii) the average revenue of the province from the revenue source described in subparagraph (xi) of paragraph (d) of subsection (2) of section 8 for that and the four immediately preceding fiscal years,

and minus any amount deductible under subsection (3) of section 8 in determining the revenue of the province for the fiscal year from the revenue source referred to in that subsection.

(3) A provincial revenue stabilization payment may be paid to a province in respect of a fiscal year only upon receipt by the Minister, not later than eighteen months after the end of the fiscal year, of an application by the province therefor containing such information as may be prescribed.

Application
to be made.

PART II.

POST-SECONDARY EDUCATION ADJUSTMENT PAYMENTS.

- 11.** (1) In this Part,
- | | |
|---|---|
| (a) "adjustment payment" means a post-secondary education adjustment payment referred to in section 12; | Definitions.
"Adjustment payment." |
| (b) "educational institution" means an institution of learning that offers courses at a post-secondary level; | "Educational institution." |
| (c) "federal revenue abatement relating to post-secondary education" applicable to a province for a fiscal year has the meaning given to that expression by section 15; | "Federal revenue abatement relating to post secondary education." |
| (d) "junior matriculation", in respect of a province, has the meaning given to that expression by regulation; | "Junior matriculation." |
| (e) "operating expenditures" for post-secondary education in a province in a fiscal year has the meaning given to that expression by section 14; | "Operating expenditures." |
| (f) "post-secondary education", in respect of a province, means every course of studies in the province that | "Post-secondary education." |
| (i) requires for admission the attainment of a level not lower than that of junior matriculation in the province, | |

"Post-secondary level."

Determination of population and financial year.

Post-secondary education adjustment payments.

Adjustment payments for 1967.

- (ii) is of not less than twenty-four weeks duration, and
- (iii) has been certified as a course of studies at a post-secondary level by such person or persons as may be designated by the Lieutenant-Governor in Council of the province for such purpose; and
- (g) "post-secondary level" has the meaning given to that expression by regulation.
- (2) For the purposes of this Part,
- (a) the population of a province for a calendar year is the population on the first day of June in that year as estimated by the Dominion Statistician; and
- (b) a financial year of an educational institution is related to a fiscal year if more than one-half of the total number of days in the financial year fall within the fiscal year.

12. Subject to this Act, the Secretary of State may, for each fiscal year in the period commencing on the 1st day of April, 1967 and ending on the 31st day of March, 1972, authorize the payment to a province of a post-secondary education adjustment payment not exceeding the amount computed in accordance with section 13.

13. (1) The adjustment payment that may be paid to a province for the fiscal year commencing on the 1st day of April, 1967 is an amount equal to

- (a) the greater of
 - (i) an amount, as determined by the Secretary of State, equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year, or
 - (ii) the product obtained by multiplying \$15 by the population of the province for the 1967 calendar year,

minus

- (b) the aggregate of
 - (i) the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year,
 - (ii) in the case of a province described in paragraph (b) or (c) of section 7, the lesser of
 - (A) the portion, as determined in prescribed manner, of the provincial revenue equalization payment payable to

the province for the fiscal year that is attributable to the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year, or

(B) the amount, if any, by which the general equalization applicable to the province for the fiscal year, computed in accordance with section 8, exceeds the guaranteed equalization applicable to the province for the fiscal year, computed in accordance with subsection (1) or (2) of section 9, as the case may be, and

(iii) in the case of any other province, the portion, as determined in prescribed manner, of the provincial revenue equalization payment payable to the province for the fiscal year that is attributable to the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year.

(2) Subject to subsection (3), the adjustment payment that may be paid to a province for a fiscal year commencing after the 1st day of April, 1967 is an amount equal to

Adjustment
payments
after 1967.

(a) in the case of a province in respect of which the amount determined under subparagraph (i) of paragraph (a) of subsection (1) is greater than the amount determined under subparagraph (ii) of that paragraph, the amount, as determined by the Secretary of State, that is equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year;

(b) in the case of any other province, the product obtained by multiplying

(i) the amount determined for the immediately preceding fiscal year under paragraph (a) of subsection (1) if such year commenced on April 1, 1967, or under this paragraph if such year commenced after April 1, 1967,

by

(ii) the quotient derived by dividing

(A) the aggregate of the amounts, as determined by the Secretary of State, of the operating expenditures for post-secondary education in all of the provinces in the fiscal year,

by

(B) the aggregate of the amounts, as determined by the Secretary of State, of the operating expenditures for post-secondary education in all of the provinces in the immediately preceding fiscal year,

minus

(c) the aggregate of

(i) the federal revenue abatement relating to post-secondary education applicable to the province for the fiscal year,

(ii) in the case of a province described in paragraph (b) or (c) of section 7, the lesser of

(A) the portion determined in the manner described in clause (A) of subparagraph (ii) of paragraph (b) of subsection (1) for the fiscal year, or

(B) the amount, if any, determined in the manner described in clause (B) of subparagraph (ii) of paragraph (b) of subsection (1) for the fiscal year, and

(iii) in the case of any other province, the amount determined in the manner described in subparagraph (iii) of paragraph (b) of subsection (1) for the fiscal year.

Alteration of
adjustment
payments.

(3) Where the adjustment payment that may be paid to a province, other than a province described in paragraph (a) of subsection (2), for a fiscal year commencing after April 1, 1967 is less than

(a) the amount, as determined by the Secretary of State, equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year

minus

(b) the aggregate determined in the manner described in paragraph (c) of subsection (2) for the fiscal year,

the adjustment payment that may be paid to the province for the fiscal year shall be an amount equal to the amount referred to in paragraph (a) minus the aggregate referred to in paragraph (b), and in computing the adjustment payment that may be paid to the province for any subsequent fiscal year the province shall be deemed to be a province described in paragraph (a) of subsection (2).

Operating
expenditures.

14. (1) Subject to subsections (2) and (3), the operating expenditures for post-secondary education in a province in a fiscal year are the aggregate of the operating

expenditures incurred for post-secondary education by or in respect of each educational institution in the province during the financial year of the institution related to the fiscal year, but do not include

- (a) any amount expended in respect of student financial aid;
- (b) any amount expended as or on account of the capital cost of land, buildings, physical plant, facilities or equipment, except as otherwise provided by regulation;
- (c) any amount expended as or on account of interest;
- (d) any amount expended in payment of a capital debt;
- (e) any provision for depreciation on buildings, physical plant, facilities or equipment;
- (f) any amount expended in respect of a prescribed ancillary enterprise undertaken or operated by an educational institution; and
- (g) such portion of any amount expended as or on account of rent on land, buildings, physical plant, facilities or equipment as may be prescribed.

(2) In determining the operating expenditures incurred for post-secondary education by or in respect of an educational institution during a financial year of the institution, there shall be deducted from the amount thereof otherwise determined Idem.

- (a) any amount received by the institution in the year for assisted, sponsored or contract research; and

- (b) any amount received by the institution in the year from Her Majesty in right of Canada or any agent thereof or from the Canada Council;

except as otherwise provided by regulation.

(3) In determining the operating expenditures for post-secondary education in a province in a fiscal year, there shall be deducted from the amount thereof otherwise determined any amount paid to the province in the year by Her Majesty in right of Canada or any agent thereof, otherwise than pursuant to this Act, that is prescribed for purposes of this subsection to be an amount paid in respect of post-secondary education. Idem.

15. The federal revenue abatement relating to post-secondary education applicable to a province for a fiscal year is the amount of the revenue loss sustained by Canada in respect of the fiscal year, by virtue of certain deductions permitted by Part I of the *Income Tax Act* in computing

Federal
revenue
abatement.

income taxes payable for a taxation year ending in the fiscal year, calculated as the aggregate of

(a) the amount, as determined by the Minister, that would be derived from a tax

(i) on the incomes (other than incomes from businesses) of individuals resident in the province on the last day of that taxation year, within the meaning of the *Income Tax Act*,

(ii) on the incomes (other than incomes from businesses) earned in the province in that taxation year by individuals not resident in Canada at any time during that taxation year, within the meaning of the *Income Tax Act*, and

(iii) on the incomes from businesses earned in the province in that taxation year by individuals, within the meaning of the *Income Tax Act*,

equal to four one-hundredths of the tax otherwise payable, within the meaning of section 33 of the *Income Tax Act*, on those incomes; and

(b) the amount, as determined by the Minister, that would be derived from a tax on the income earned in the province by each corporation (other than a non-resident owned investment corporation as defined in the *Income Tax Act* or a corporation specified in Schedule D to the *Financial Administration Act* that is an agent of Her Majesty in right of Canada) that maintained a permanent establishment in the province at any time during its taxation year, for the purposes of the *Income Tax Act*, ending in the calendar year that ends in the fiscal year, at the rate of one per cent of its taxable income earned in the province in that taxation year, such tax to be computed as if imposed under the *Income Tax Act* and regulations thereunder.

Determi-
nation of
operating
expenditures.

16. (1) In determining the operating expenditures for post-secondary education in a province in a fiscal year, the Secretary of State shall have recourse to and be guided by

(a) any provincial return of operating expenditures submitted to him for the fiscal year;

(b) any information contained in a report made to him by the Comptroller of the Treasury in connection with such operating expenditures; and

- (c) such additional information as he may consider appropriate.

(2) For the purposes of this section a provincial return of operating expenditures for a fiscal year is a statistical return, in prescribed form, relating to the operating expenditures for post-secondary education in the province in the fiscal year, Provincial return.

- (a) that has been signed by the Deputy Minister of Education of the province or such other provincial officer as may be designated by the Lieutenant-Governor in Council for the purpose; and

- (b) that has been certified by the provincial auditor as having been examined by him, and, to the best of his knowledge and belief,

- (i) as accurately setting forth the operating expenditures for post-secondary education in the province in the fiscal year, calculated in accordance with the requirements of this Act and the regulations, and

- (ii) as being based on

(A) financial returns for the fiscal year in respect of each educational institution in the province that is not a secondary institution, and

(B) a financial report for the fiscal year in respect of all secondary institutions in the province.

- (3) For the purposes of subsection (2),

- (a) a financial return for a fiscal year in respect of an educational institution that is not a secondary institution is a statement relating to the operating expenditures incurred for post-secondary education by that institution during its financial year related to the fiscal year, that has been certified by an independent auditor as having been examined by him, and, to the best of his knowledge and belief, as accurately setting forth the operating expenditures incurred for post-secondary education by that institution during its financial year, calculated in accordance with the requirements of this Act and the regulations; and Financial returns and report.

- (b) a financial report for a fiscal year in respect of all secondary institutions in a province is a statement setting forth the operating expenditures incurred for post-secondary education by or in respect of all such institutions during their financial years related to the fiscal year, that

has been signed by the Deputy Minister of Education of the province or such other provincial officer as may be designated by the Lieutenant-Governor in Council for the purpose.

Definitions.

"Provincial auditor."

(a) "provincial auditor" means such person as is charged by law with the audit of the accounts of a province;

"Independent auditor."

(b) "independent auditor" means an auditor who is a member in good standing of an institution or association of accountants incorporated by or under the authority of the legislature of a province but who is not, except as otherwise provided by regulation, the same person or a member of the same firm or office of auditors as, or employed by the same employer as, the provincial auditor; and

"Secondary institution."

(c) "secondary institution", in respect of a province, means an institution in that province that offers at a post-secondary level only prescribed programs of study.

Failure to file return.

17. Where a provincial return of operating expenditures for a fiscal year as described in subsection (2) of section 16 has not been submitted to the Secretary of State,

(a) in the case of the fiscal year commencing on April 1, 1967, within twelve months after the end of the fiscal year, and

(b) in the case of any subsequent fiscal year, within nine months after the end of the fiscal year,

the Secretary of State, in determining the operating expenditures for post-secondary education in the province in the fiscal year, shall have recourse to and be guided by such information available to him as he considers appropriate, but in no such case shall the amount determined by the Secretary of State to be equal to fifty per cent of the operating expenditures for post-secondary education in the province in the fiscal year be less than the product obtained by multiplying \$15 by the population of the province for the calendar year ending in the fiscal year.

Report of Comptroller of the Treasury.

18. The Comptroller of the Treasury may, after consultation with the appropriate provincial authority,

(a) examine any financial return for a fiscal year in respect of an educational institution, as described in subsection (3) of section 16, and

(b) request and receive from the independent auditor who certified any financial return for

a fiscal year in respect of an educational institution, as described in subsection (3) of section 16, such information, reports and explanations as he deems necessary in order to satisfy himself as to the method and procedure employed by such auditor in determining the operating expenditures incurred for post-secondary education by that institution during its financial year related to the fiscal year, and shall make such report to the Secretary of State in respect thereof as he considers appropriate.

19. The amounts authorized to be paid by section 12 shall be paid out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed.

Consolidated
Revenue
Fund.

20. Section 8A of the former Act is not applicable in respect of any fiscal year commencing on or after the 1st day of April, 1967.

Application
of section 8A
of the
*Federal-
Provincial
Fiscal
Arrangements
Act.*

PART III.

GENERAL.

TAX COLLECTION AGREEMENTS.

21. (1) Where a province imposes taxes on the income of individuals or corporations or both, the Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement with the government of the province pursuant to which the Government of Canada will collect the provincial taxes on behalf of the province and will make payments to the province in respect of the taxes so collected, in accordance with such terms and conditions as the agreement prescribes.

Tax
collection
agreements.

(2) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement amending the terms and conditions of an agreement entered into pursuant to subsection (1).

Amend-
ments to
agreements.

(3) Where the law of a province that imposes a tax on income as described in subsection (1) contains provisions requiring every person making a payment of a specified kind to another person to deduct or withhold therefrom an amount and to remit that amount on account of such tax, effect may be given to those provisions, in accordance with the regulations, in relation to persons to whom such payments are made out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada.

Application
of require-
ments of
provincial
law to
certain
persons.

Agreements
entered into
under
former Act.

(4) Where an agreement was entered into pursuant to subsection (1) or (2) of section 6 of the former Act, the agreement shall be deemed to have been entered into pursuant to subsection (1) of this section.

Advance
payments
under
agreements.

22. Where a province has entered into a tax collection agreement, the Minister, in accordance with the regulations, may make advance payments to the province out of the Consolidated Revenue Fund on account of any amount that may become payable to the province pursuant to the agreement.

REGULATIONS.

Regulations.

- 23.** The Governor in Council may make regulations
- (a) defining, for the purposes of this Act,
 - (i) the expression referred to in paragraph (c) of subsection (2) of section 8,
 - (ii) the expressions referred to in subparagraphs (i) to (xvi) of paragraph (d) of subsection (2) of section 8;
 - (iii) the expressions referred to in paragraphs (d) and (g) of subsection (1) of section 11,
 - (iv) the expression "assisted, sponsored or contract research", and
 - (v) the expression "operating expenditures incurred for post-secondary education" by or in respect of an educational institution or secondary institution;
 - (b) respecting the payment to a province of advances on account of any amount that may become payable to the province pursuant to this Act or a tax collection agreement, the adjustment of other payments by reason of such advances and the recovery of overpayments;
 - (c) prescribing the time and manner of making any payment under this Act or a tax collection agreement;
 - (d) prescribing the accounts to be kept and their management;
 - (e) respecting the determination of any matter that under this Act is to be determined by the Minister or the Secretary of State;
 - (f) respecting any matter that by this Act is to be defined, provided or prescribed by, or done in accordance with, the regulations; and
 - (g) generally for carrying into effect the purposes and provisions of this Act.

ESTABLISHED PROGRAMS (INTERIM ARRANGEMENTS) ACT. 1964-65,
c. 54.

24. (1) This section applies only to a province (hereinafter in this section referred to as "a prescribed province") that has before the coming into force of this Act entered into a supplementary agreement under the *Established Programs (Interim Arrangements) Act* (hereinafter in this section referred to as "the said Act") in relation to the health grants program referred to in that Act. Application of section.

(2) The said Act shall, in respect of the health grants program referred to in that Act and in respect of a prescribed province only, be deemed to be amended as follows: Statutory amendments.

- (a) all that portion of subsection (3) of section 3 of the said Act preceding paragraph (a) thereof shall be read as follows:

"(3) No supplementary agreement in respect of a standing program may be entered into after the 30th day of September, 1967, but a supplementary agreement entered into on or before that day may provide that the agreement shall have effect"; and Interim period.

- (b) the period set out in Column II of Schedule I of the said Act opposite paragraph 4 thereof shall be read as follows:

"1 April, 1965 to 31 March, 1970"

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 90

An Act to make provision for appeals to an Immigration Appeal Board in respect of certain matters relating to immigration.

[Assented to 23rd March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Immigration Appeal Board Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | | |
|-----|--|--------------------------|
| (a) | "Board" means the Immigration Appeal Board established by this Act; | Definitions.
"Board." |
| (b) | "Canadian citizen" means a person who is a Canadian citizen within the meaning of the <i>Canadian Citizenship Act</i> ; | "Canadian citizen." |
| (c) | "Chairman" means the Chairman of the Board; | "Chairman." |
| (d) | "hearing" means a further examination or inquiry conducted by a Special Inquiry Officer under the <i>Immigration Act</i> ; | "Hearing." |
| (e) | "member" means a member of the Board; | "Member." |
| (f) | "Minister" means the Minister of Manpower and Immigration; | "Minister." |
| (g) | "permanent resident" means a person who has been granted lawful admission to Canada for permanent residence under the <i>Immigration Act</i> ; | "Permanent resident." |
| (h) | "Vice-Chairman" means the Vice-Chairman of the Board; and | "Vice-Chairman." |

Other words and expressions. (i) other words and expressions in this Act have the same meaning as in the *Immigration Act*.

IMMIGRATION APPEAL BOARD ESTABLISHED.

Board established. **3.** (1) There shall be a board, to be called the Immigration Appeal Board consisting of not less than seven nor more than nine members to be appointed by the Governor in Council.

Tenure of members. (2) Subject to subsection (3), each member shall be appointed to hold office during good behaviour but may be removed by the Governor in Council for cause.

Retirement age. (3) A member ceases to hold office upon attaining the age of seventy years.

Age limit for appointment. (4) No person who has attained the age of sixty-five years shall be appointed a member.

Chairman and Vice-Chairman. (5) The Governor in Council shall designate one of the members to be Chairman of the Board and two of the members to be Vice-Chairmen of the Board.

Absence or incapacity. (6) In the event of the absence or incapacity of the Chairman, a Vice-Chairman or any other member or if the office of such person is vacant, the Minister may appoint some other person qualified to hold such office to act in his stead during his absence or incapacity or until the vacancy is filled, as the case may be, but where the Chairman is absent or unable to act or his office is vacant and no person has been so appointed to act in his stead, a Vice-Chairman designated by the Minister, has and may exercise and perform all of the duties and powers of the Chairman.

Qualifications of members. (7) The Chairman and at least two other members shall be barristers or advocates of at least ten years' standing at the bar of a province.

Remuneration and expenses. **4.** Each member shall be paid such remuneration for his services as is fixed by the Governor in Council, and is entitled to be paid reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties under this Act.

Chairman chief executive officer. **5.** The Chairman is the chief executive officer of the Board and has supervision over and direction of the work and the staff of the Board.

Head office. **6.** (1) The head office of the Board shall be at the City of Ottawa and the Chairman and other members shall live there or within fifteen miles thereof or at such other places as may be designated by the Governor in Council.

Sittings. (2) The Board may sit at such places in Canada as it sees fit.

(3) The Chairman and not less than two other members, or one of the Vice-Chairmen and not less than two other members if at least one of such persons is a person described in subsection (7) of section 3, constitute a quorum of the Board. Quorum.

7. (1) The Board is a court of record and shall have an official seal, which shall be judicially noticed. Court of record.

(2) The Board has, as regards the attendance, swearing and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record and, without limiting the generality of the foregoing, may Power of Board to examine witnesses, etc.

(a) issue a summons to any person requiring him to appear at the time and place mentioned therein to testify to all matters within his knowledge relative to a subject matter before the Board and to bring with him and produce any document, book or paper that he has in his possession or under his control relative to such subject matter;

(b) administer oaths and examine any person upon oath, affirmation or otherwise; and

(c) during a hearing receive such additional information as it may consider credible or trustworthy and necessary for dealing with the subject matter before it.

(3) The Board may, and at the request of either of the parties to the appeal shall give reasons for its disposition of the appeal. Reasons.

8. (1) The Board may, subject to the approval of the Governor in Council, make rules not inconsistent with this Act governing the activities of the Board and the practice and procedure in relation to appeals to the Board under this Act. Board may make rules.

(2) No rule made pursuant to subsection (1) has effect until it has been published in the *Canada Gazette*. Publication.

9. (1) Such officers, clerks and employees as are necessary for the proper conduct of the work of the Board shall be appointed in accordance with the *Public Service Employment Act*. Appointment of officers, clerks, etc.

(2) For the purposes of the *Public Service Superannuation Act* the members appointed under subsection (1) of section 3 and the officers, clerks and employees appointed as provided in subsection (1) of this section shall be deemed to be employed in the Public Service. Application of P.S.S. Act.

HEARING AND DETERMINATION OF APPEALS.

Hearing of
appeal and
taking of
evidence.

10. (1) The Chairman of the Board may direct that evidence relating to an appeal under this Act be received, in whole or in part, by a member of the Board and that member has and may exercise all of the powers of the Board in relation to the hearing of the appeal.

Report to
Board.

(2) A member by whom evidence relating to an appeal under this Act has been received pursuant to subsection (1) shall make a report thereon to the Board and a copy of the report shall be provided to each of the parties to the appeal.

Determi-
nation of
appeal.

(3) After receiving any report made under subsection (2), and after holding a rehearing, in whole or in part, of the appeal if in its discretion the Board deems it advisable to do so, the Board shall determine the appeal.

APPEALS FROM ORDERS OF DEPORTATION.

Appeal on
question of
law or fact.

11. A person against whom an order of deportation has been made under the provisions of the *Immigration Act* may appeal to the Board on any ground of appeal that involves a question of law or fact or mixed law and fact.

Appeal by
Minister.

12. The Minister may appeal to the Board on any ground of appeal that involves a question of law or fact, or mixed law and fact, from a decision by a Special Inquiry Officer that a person in respect of whom a hearing has been held is not within a prohibited class or is not subject to deportation.

Reopening of
hearing and
additional
evidence.

13. The Board may order a hearing reopened before the Special Inquiry Officer who presided at the hearing or before some other Special Inquiry Officer for the receiving of any additional evidence or testimony, and the Special Inquiry Officer who presides at the reopened hearing shall file a copy of the minutes of the reopened hearing, together with his assessment of such additional evidence or testimony, with the Board for its consideration in disposing of the appeal.

Disposition
of appeal.

14. The Board may dispose of an appeal under section 11 or section 12 by

- (a) allowing it;
- (b) dismissing it; or
- (c) rendering the decision and making the order that the Special Inquiry Officer who presided at the hearing should have rendered and made.

15. (1) Where the Board dismisses an appeal against an order of deportation or makes an order of deportation pursuant to paragraph (c) of section 14, it shall direct that the order be executed as soon as practicable, except that

Execution of order.

- (a) in the case of a person who was a permanent resident at the time of the making of the order of deportation, having regard to all the circumstances of the case, or
- (b) in the case of a person who was not a permanent resident at the time of the making of the order of deportation, having regard to
 - (i) the existence of reasonable grounds for believing that if execution of the order is carried out the person concerned will be punished for activities of a political character or will suffer unusual hardship, or
 - (ii) the existence of compassionate or humanitarian considerations that in the opinion of the Board warrant the granting of special relief,

the Board may direct that the execution of the order of deportation be stayed, or may quash the order or quash the order and direct the grant of entry or landing to the person against whom the order was made.

(2) Where, pursuant to subsection (1), the Board directs that execution of an order of deportation be stayed, it shall allow the person concerned to come into or remain in Canada under such terms and conditions as it may prescribe and shall review the case from time to time as it considers necessary or advisable.

Terms of stay of execution.

(3) The Board may at any time

- (a) amend the terms and conditions prescribed under subsection (2) or impose new terms and conditions; or
- (b) cancel its direction staying the execution of an order of deportation and direct that the order be executed as soon as practicable.

Board may amend terms or cancel direction.

(4) Where the execution of an order of deportation

Quashing of deportation order, etc.

tion

- (a) has been stayed pursuant to paragraph (a) of subsection (1), the Board may at any time thereafter quash the order; or
- (b) has been stayed pursuant to paragraph (b) of subsection (1), the Board may at any time thereafter quash the order and direct the grant of entry or landing to the person against whom the order was made.

Return to
Canada for
hearing of
appeal.

16. Where a person who has been ordered deported and who has been returned to the place whence he came to Canada in accordance with the requirements of subsection (1) of section 24 of the *Immigration Act*, advises the Board in writing of his desire to appear in person before the Board on the hearing of his appeal against the order of deportation, the Board may allow such person to return to Canada for that purpose under such terms and conditions as it may prescribe.

APPEALS BY SPONSORS.

Appeal from
refusal to
approve
application.

17. A person who has made application for the admission into Canada of a relative pursuant to regulations made under the *Immigration Act* may appeal to the Board from a refusal to approve the application, and if the Board decides that the person whose admission is being sponsored and the sponsor of that person meet all the requirements of the *Immigration Act* and the regulations made thereunder relevant to the approval of the application or that there exist compassionate or humanitarian considerations that in the opinion of the Board warrant the granting of special relief, the application shall be approved, but an appeal under this section may be taken only by such persons and in respect of such classes of relatives referred to in the regulations as may be defined by order of the Governor in Council.

RELEASE PENDING HEARING.

Order of
release.

18. (1) A person who is being detained pending the hearing and disposition of an appeal under this Act may apply to the Board for his release and the Board may, notwithstanding anything in the *Immigration Act*, order his release.

Recognizance.

(2) A person may be released under subsection (1) upon entering into

- (a) a recognizance before the Board, or a member thereof, in such form and with sufficient sureties in such amount as the Board directs;
- (b) his own recognizance before the Board, or a member thereof, and depositing with the Board such sum of money as the Board directs; or
- (c) his own recognizance before the Board, or a member thereof, in such amount as the Board directs without any deposit;

and the recognizance shall prescribe such conditions of release as the Board deems advisable, including the time and place at which the person released shall report to an immigration officer.

- (3) The Board may at any time,
 (a) cancel an order of release and direct that the person concerned be returned to custody;
 (b) vary the amount of a recognizance or deposit; or
 (c) vary the conditions of any release ordered by it.
- (4) Where a person released under subsection (1) fails to comply with any of the conditions under which he was released, the Board, or a member thereof, may make an order for his arrest and detention and the Board may order the forfeiture of the amount of the recognizance or deposit given or made by him.
- (5) Where the Board orders any forfeiture under subsection (4), the principal and his sureties become debtors of the Crown, each in the amount he has pledged himself to pay and the debt is, subject to subsection (6), recoverable in the Exchequer Court of Canada as a debt due to the Crown.
- (6) Where a deposit has been made by a person against whom an order of forfeiture has been made under subsection (4), the amount of the deposit shall be delivered to the Receiver General of Canada.
- (7) An order for arrest and detention made under this section is, notwithstanding any other Act or law, sufficient authority for the person to whom it is addressed to arrest and detain the person concerned, and any such order may be addressed generally to peace officers or immigration officers or both.

Cancellation of order, etc.

Failure to comply with order.

Debt due to Crown.

Delivery over of deposit.

Authority to arrest and detain.

NOTICE AND HEARING.

- 19.** (1) An appellant who proposes to appeal to the Board shall give notice of the appeal in such manner and within such time as is prescribed by the rules of the Board.
- (2) Every appellant under section 11 or 17 shall be advised by the Minister of the grounds on which the deportation order was made or the refusal to approve the application for admission into Canada was based.

Notice of appeal.

Grounds of order or refusal.

- 20.** An appeal to the Board shall be heard in public but if the appellant so requests the Board may in its discretion direct that it be heard *in camera*.

Hearing of appeal.

SECURITY.

- 21.** (1) Notwithstanding anything in this Act, the Board shall not,
 (a) in the exercise of its discretion under section 15, stay the execution of a deportation order or

Certificate of Minister and Solicitor General.

thereafter continue or renew the stay, quash a deportation order, or direct the grant of entry or landing to any person, or

- (b) render a decision pursuant to section 17 that a person whose admission is being sponsored and the sponsor of that person meet the requirements referred to in that section,

if a certificate signed by the Minister and the Solicitor General is filed with the Board stating that in their opinion, based upon security or criminal intelligence reports received and considered by them, it would be contrary to the national interest for the Board to take such action.

Evidence.

(2) A certificate purporting to be signed by the Minister and the Solicitor General pursuant to subsection (1) shall be deemed to have been signed by them and shall be received by the Board without proof of the signatures or official character of the persons appearing to have signed the same unless called into question by the Minister or the Solicitor General, and the certificate is conclusive proof of the matters stated therein.

EXCLUSIVE JURISDICTION OF BOARD AND APPEALS TO SUPREME COURT.

Jurisdiction
of Board.

22. Subject to this Act and except as provided in the *Immigration Act*, the Board has sole and exclusive jurisdiction to hear and determine all questions of fact or law, including questions of jurisdiction, that may arise in relation to the making of an order of deportation or the making of an application for the admission to Canada of a relative pursuant to regulations made under the *Immigration Act*.

Appeal to
Supreme
Court of
Canada.

23. (1) An appeal lies to the Supreme Court of Canada on any question of law, including a question of jurisdiction, from a decision of the Board on an appeal under this Act if leave to appeal is granted by that Court within fifteen days after the decision appealed from is pronounced or within such extended time as a judge of that Court may, for special reasons, allow.

Rules
governing
appeals to
Supreme
Court of
Canada.

(2) The Governor in Council may make rules governing the practice and procedure in relation to applications for leave to appeal and appeals to the Supreme Court of Canada pursuant to this section, and such rules shall be binding notwithstanding any rule or practice that would otherwise be applicable.

(3) No order as to costs shall be made in respect of an application for leave to appeal or an appeal to the Supreme Court of Canada pursuant to this section. Costs.

CONSEQUENTIAL AMENDMENTS.

24. Paragraph (k) of section 2 of the *Immigration Act* is repealed. R.S., c. 325.

25. Subsection (5) of section 7 of the said Act is repealed and the following substituted therefor:

“(5) The Minister may make a deportation order against a person referred to in subsection (4).” Minister may order deportation.

26. (1) Subsections (1) and (2) of section 8 of the said Act are repealed and the following substituted therefor:

“**8.** (1) The Minister may issue a written permit authorizing any person to enter Canada or, being in Canada, to remain therein, other than Issue of permits.

(a) a person under order of deportation who was not issued such a written permit before the coming into force of this subsection, or

(b) a person in respect of whom an appeal under section 17 of the *Immigration Appeal Board Act* has been taken that has not been successful.

(2) A permit shall be expressed to be in force for a specified period not exceeding twelve months.” Period of permit.

(2) Subsection (4) of section 8 of the said Act is repealed and the following substituted therefor:

“(4) The Minister may, upon the cancellation or expiration of a permit, make a deportation order respecting the person concerned.” Deportation following termination of permit.

27. Section 12 of the said Act is repealed.

28. Section 29 of the said Act is repealed and the following substituted therefor:

“**29.** An inquiry may be reopened by a Special Inquiry Officer for the hearing and receiving of any additional evidence or testimony and a Special Inquiry Officer has authority, after hearing such additional evidence or testimony, to confirm, amend or reverse the decision previously rendered.” Reopening of inquiry.

29. Sections 30 and 31 of the said Act are repealed.

30. Section 39 of the said Act is repealed.

31. Section 62 of the said Act is repealed and the following substituted therefor:

Regulations
respecting
procedure,
duties, etc.

“**62.** The Minister may make regulations, not inconsistent with this Act, respecting the procedure to be followed upon examinations and inquiries under this Act and the duties and obligations of immigration officers and the methods and procedure for carrying out such duties and obligations whether in Canada or elsewhere.”

32. Subsection (1) of section 64 of the said Act is repealed and the following substituted therefor:

Proof of
documents.

“**64.** (1) Every document purporting to be a deportation order, rejection order, warrant, order, summons, direction, notice or other document over the name in writing of the Minister, Director, Special Inquiry Officer, immigration officer or other person authorized under this Act to make such document is, in any prosecution or other proceeding under or arising out of this Act or the *Immigration Appeal Board Act*, admissible in evidence as *prima facie* proof of the facts contained therein, without proof of the signature or the official character of the person appearing to have signed the same, unless called in question by the Minister or some other person acting for him or Her Majesty.”

TRANSITIONAL.

- 33.** This Act applies in respect of
- (a) any order of deportation made after the coming into force of this Act, and any order of deportation made before the coming into force of this Act that has not been executed, where no appeal therefrom has been taken under section 31 of the *Immigration Act*;
and
 - (b) a refusal to approve an application for the admission of a relative, submitted after the making of any order by the Governor in Council pursuant to section 17 of this Act.

COMMENCEMENT.

34. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into
force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 91

An Act to amend the Income Tax Act and to repeal the Canadian Vessel Construction Assistance Act.

[Assented to 23rd March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

INCOME TAX ACT.

1. (1) Subparagraph (iv) of paragraph (a) of subsection (1) of section 6 of the *Income Tax Act* is repealed and the following substituted therefor:

“(iv) superannuation or pension benefits, including, without limiting the generality of the foregoing,

(A) the amount of any pension or supplement under the *Old Age Security Act* and the amount of any similar payment under a law of a provincial legislature, and

(B) the amount of any benefit under the *Canada Pension Plan* or a provincial pension plan as defined in that Act, but not including

(C) the amount of any social assistance payment made on a means or a needs test basis under a prescribed program provided for by an Act of Parliament or a law of a provincial legislature,”

(2) Subsection (1) of section 6 of the said Act is further amended by adding thereto, immediately after paragraph (ea) thereof, the following paragraph:

R.S., c. 148,
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55;
1956, c. 39;
1957, c. 29;
1957-58, c. 17;
1958, c. 32;
1959, c. 45;
1960, c. 43;
1960-61,
cc. 17, 49;
1962-63, c. 8;
1963, cc. 21,
41;
1964-65,
cc. 13, 26, 54;
1965, cc. 12,
18;
1966-67,
c. 25, s. 45;
cc. 47, 69,
82, 84.

Previous
reserve for
quadrennial
survey, etc.

“(eb) the amount deducted as a reserve under paragraph (ea) of subsection (1) of section 11 in computing the taxpayer's income for the immediately preceding year;”

(3) It is hereby declared that subparagraph (iv) of subsection (1) of section 6 of the said Act, as enacted by subsection (1), is enacted for greater certainty only, and that that subparagraph, as it read before the coming into force of this section, shall be deemed always to have applied to include in the income of a taxpayer for a taxation year the amounts specified by that subparagraph as enacted by subsection (1) to be included, and to exclude from the income of a taxpayer for a taxation year the amounts so specified not to be included.

(4) For the taxation year in which this section comes into force, there shall be included in computing the income of a taxpayer the amount of any reserve established by him at the end of the immediately preceding year pursuant to section 7 of the *Canadian Vessel Construction Assistance Act*.

2. Subsection (1) of section 10 of the said Act is amended by adding thereto, immediately after paragraph (ga) thereof, the following paragraph:

Social
assistance
payments.

“(gb) the amount of any social assistance payment made on a means or a needs test basis under a prescribed program provided for by an Act of the Parliament of Canada or a law of a provincial legislature,”

3. (1) Paragraph (c) of subsection (1) of section 11 of the said Act is amended by striking out the word “or” at the end of subparagraph (i) thereof, by adding the word “or” at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

- “(iii) an amount paid to the taxpayer under
- (A) an *Appropriation Act* and on terms and conditions approved by the Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry, or
 - (B) the *Northern Mineral Exploration Assistance Regulations* made under an *Appropriation Act* that provides for payments in respect of the Northern Mineral Grants Program.”

(2) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (e) thereof, the following paragraph:

“(ea) such amount as may be prescribed as a reserve for expenses to be incurred by the taxpayer by reason of quadrennial or other special surveys required under the *Canada Shipping Act*, or the regulations thereunder, or under the rules of any society or association for the classification and registry of shipping approved by the Minister of Transport for the purposes of the *Canada Shipping Act*;

Reserve for quadrennial survey.

(3) All that portion of paragraph (k) of subsection (1) of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

“(k) the capital element of each annuity payment (other than a superannuation or pension benefit, a payment under a registered retirement savings plan or a payment of an annuity paid or purchased pursuant to a deferred profit sharing plan) included in computing income for the year, that is to say,”

Capital element of annuities.

(4) Paragraph (s) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

“(s) an amount paid by the taxpayer to a trustee under a registered supplementary unemployment benefit plan as permitted by section 79A;”

Employer's contribution under registered supplementary unemployment benefit plan.

(5) Clause (C) of subparagraph (i) of paragraph (u) of subsection (1) of section 11 of the said Act is repealed.

(6) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (u) thereof, the following paragraph:

“(ua) the least of

(i) any amount paid by the taxpayer in the year or within 60 days after the end of the year to a trustee under a deferred profit sharing plan that had at least 5 beneficiaries at all times throughout the

Transfers between deferred profit sharing plans.

- year, to the extent that it was not deductible in computing his income for the immediately preceding year,
- (ii) any amount included in computing his income for the year by virtue of subsection (9) of section 79c, or
 - (iii) the amount by which
 - (A) the aggregate of any amounts included in computing his income for the year by virtue of subparagraphs (iv) and (v) of paragraph (a) of subsection (1) of section 6 and subsection (9) of section 79c exceeds
 - (B) the amount, if any, deductible under paragraph (u) in computing his income for the year;"

(7) Paragraph (u) of subsection (1) of section 11 of the said Act, as amended by subsection (5), is applicable with respect to any amount paid after March 29, 1966, as a contribution or premium referred to therein, and paragraph (ua) of that subsection, as enacted by subsection (6), is applicable with respect to any amount paid after March 29, 1966, to a trustee under a deferred profit sharing plan.

4. Subsection (1) of section 12 of the said Act is amended by adding thereto, immediately after paragraph (h) thereof, the following paragraph:

Limitation re employer's contribution under supplementary unemployment benefit plan.

"(ha) an amount paid by an employer to a trustee under a supplementary unemployment benefit plan except as permitted by section 79A;"

5. (1) Subsection (5) of section 20 of the said Act is amended by adding thereto, immediately preceding paragraph (a) thereof, the following paragraph:

"Conversion" and "conversion cost".

"(aa) "conversion", in respect of a vessel, means a conversion or major alteration in Canada by a taxpayer in accordance with plans approved in writing by the Minister of Industry for the purposes of this Act and "conversion cost" means the cost of a conversion as determined by the Minister of Industry;"

(2) Subsection (5) of section 20 of the said Act is further amended by striking out the word "and" at the end of paragraph (d) thereof, by adding the word "and"

at the end of paragraph (e) thereof and by adding thereto the following paragraph:

“(f) “vessel” means a vessel as defined in the “Vessel.” *Canada Shipping Act.*”

(3) Paragraphs (a) and (b) of subsection (5a) of section 20 of the said Act are repealed and the following substituted therefor:

“(a) it shall, to the extent that it has been expended by the taxpayer

(i) in the taxation year immediately following the initial year on acquiring property of the same class,

(ii) in the taxation year immediately following the initial year on acquiring, if the property destroyed was a building, a building of a prescribed class, or

(iii) within a time certified by the Minister of Industry to be a reasonable time following the initial year, on acquiring, if the property destroyed was a vessel, a vessel of a prescribed class,

not be included in computing the income of the taxpayer for the initial year; and

(b) it shall, to the extent that it has not been included in computing the income of the taxpayer for the initial year, be deemed to be proceeds of a disposition made

(i) in the case of a vessel, in the taxation year in which it is in whole or in part expended in accordance with paragraph (a), but only to the extent that it is so expended in that year and only if such year is within the time certified by the Minister of Industry under subparagraph (iii) of paragraph (a), and

(ii) in the case of any other property, in the taxation year immediately following the initial year

of depreciable property of the taxpayer of the same class as the property so acquired.”

(4) Paragraph (h) of subsection (6) of section 20 of the said Act is repealed and the following substituted therefor:

“(h) where a taxpayer has received or is entitled to receive from a government, municipality or

other public authority, in respect of or for the acquisition of property, a grant, subsidy or other assistance other than an amount authorized to be paid under an *Appropriation Act* and on terms and conditions approved by the Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry, the capital cost of the property shall be deemed to be the capital cost thereof to the taxpayer minus the amount of the grant, subsidy or other assistance;"

(5) Subsection (9) of section 20 of the said Act is repealed and the following substituted therefor:

Application
where deduc-
tion under
the *Canadian
Vessel
Construction
Assistance
Act*.

"(9) Notwithstanding subsection (8), where a deduction has been made under the *Canadian Vessel Construction Assistance Act* for any year, subsection (1) is applicable in respect of the prescribed class created by that Act or any other prescribed class to which the vessel may have been transferred."

(6) Section 20 of the said Act is further amended by adding thereto the following subsections:

Conversion
cost of vessel
deemed
prescribed
class.

"(11) For the purposes of this section and regulations made under paragraph (a) of subsection (1) of section 11, a vessel in respect of which any conversion cost is incurred after the coming into force of this subsection shall, to the extent of the conversion cost, be deemed to be included in a separate prescribed class.

Subsection
(1) not
applicable in
certain
cases.

(12) Where a vessel owned by a taxpayer on January 1, 1966 or constructed pursuant to a construction contract entered into by the taxpayer prior to 1966 and not completed by that date is disposed of by the taxpayer before 1974,

(a) subsection (1) does not apply to the proceeds of disposition

(i) to the extent that they are used by any person before 1974 for replacement under conditions satisfactory to the Minister of Industry, or

(ii) if the Minister of Industry certifies that the taxpayer has, on satisfactory terms, deposited on or before the day on which he is required to file a return of his income for the taxation year in which the vessel was disposed of, an amount at least equal

to the tax that would but for this subsection be payable by the taxpayer under this Part in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

- (b) the taxpayer may, within the time prescribed for the filing of a return of his income for the taxation year in which the vessel was disposed of, elect to have the vessel constituted a prescribed class, or, if any conversion cost in respect of the vessel has been included in a separate prescribed class, have it transferred to that class, and, if he so elects, the vessel shall be deemed to have been so transferred immediately before the disposition thereof but this paragraph does not apply unless the proceeds of disposition of the vessel exceed the amount that would be the undepreciated capital cost of property of the class to which it would be so transferred.

(13) Where a vessel owned by a taxpayer is disposed of by him, he may, if subsection (12) does not apply to the proceeds of disposition or if the taxpayer does not make an election under paragraph (b) of subsection (12), within the time prescribed for the filing of a return of his income for the taxation year in which the vessel is disposed of, elect to have the proceeds that would be included in his income under subsection (1) treated as proceeds of disposition of property of another prescribed class that includes a vessel owned by him.

Election in respect of proceeds of disposition of a vessel.

(14) Where a separate prescribed class has been constituted either under this Act or the *Canadian Vessel Construction Assistance Act* by virtue of the conversion of a vessel owned by a taxpayer and the vessel is disposed of by him, if no election is made under paragraph (b) of subsection (12), the separate prescribed class constituted by virtue of the conversion shall be deemed to have been transferred to the class in which the vessel was included immediately before the disposition thereof.

Prescribed class constituted by conversion cost deemed part of class constituted by vessel on disposition.

(15) Notwithstanding any other provision of this Act, where a taxpayer has

Re-assessments.

- (a) expended an amount as described in subparagraph (iii) of paragraph (a) of subsection (5a), or

- (b) made an election under paragraph (b) of subsection (12) with respect to a vessel and the proceeds of disposition of the vessel have been used before 1974 for replacement under conditions satisfactory to the Minister of Industry,

such re-assessments of returns of income shall be made as are necessary to give effect to subsections (5a) and (12).

Disposition
of deposit.

(16) All or any part of a deposit made under subparagraph (ii) of paragraph (a) of subsection (12) or under the *Canadian Vessel Construction Assistance Act* may be paid out to or on behalf of any person who, under conditions satisfactory to the Minister of Industry and as a replacement for the vessel disposed of, acquires a vessel before 1974

- (a) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister of Industry in any country or territory to which the British Commonwealth Merchant Shipping Agreement (signed at London on December 10, 1931) applies, and

- (b) in respect of the capital cost of which no allowance has been made to any other taxpayer under this Act or the *Canadian Vessel Construction Assistance Act*,

or incurs any conversion cost with respect to a vessel of the taxpayer that is registered in Canada or is registered under conditions satisfactory to the Minister of Industry in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to him of the vessel or the conversion cost to him of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 shall be paid to the Receiver General of Canada and form part of the Consolidated Revenue Fund."

6. (1) Paragraph (c) of subsection (1) of section 27 of the said Act is amended by striking out the word "or" at the end of subparagraph (viic) thereof, by adding the word "or" at the end of subparagraph (viid) thereof and by adding thereto the following subparagraph:

"(viii) to a person authorized under the laws of a province to carry on the business of a

dental mechanic, for the making or repairing of an upper or lower denture, or for the taking of impressions, bite registrations and insertions in respect of the making, producing, constructing and furnishing of an upper or lower denture,"

(2) Subparagraph (viii) of paragraph (c) of subsection (1) of section 27 of the said Act, as enacted by subsection (1), is applicable to the 1966 and subsequent taxation years.

7. (1) Subsections (1) to (3) of section 33 of the said Act are repealed.

(2) Section 33 of the said Act is amended by adding thereto, immediately preceding subsection (4) thereof, the following subsections:

"33. (1) There may be deducted from the tax otherwise payable under this Part by an individual for a taxation year (hereinafter in this subsection referred to as the "basic tax") such of the following amounts as is applicable:

Deductions from tax on income earned in a province.

- (a) an amount that bears the same relation to 28% of the basic tax that his income earned in the taxation year in a province bears to his income for the taxation year; and
- (b) in the case of income earned in the taxation year in a province providing schooling allowances within the meaning of the *Youth Allowances Act*, an amount that bears the same relation to 3% of the basic tax that his income earned in the taxation year in the province bears to his income for the taxation year.

(2) A reference in subsection (1) to "his income for the taxation year" means

"His income for the taxation year" defined.

- (a) in the case of an individual to whom section 29 applies, who was resident in Canada during part of the taxation year and during some other part of the year was not resident in Canada, the aggregate described in paragraph (a) of section 29; and
- (b) in the case of an individual to whom section 31 applies, who was not resident in Canada at any time in the taxation year, the amount determined under paragraph (a) of subsection (1) of section 31 as his income for the year from all duties performed by him in Canada

Definitions.

"Income earned in the taxation year" in a province.

"Province."

"Tax otherwise payable under this Part."

and all businesses carried on by him in Canada.

(3) In this section,

- (a) "income earned in the taxation year" in a province means amounts determined under rules prescribed for the purpose by regulations made on the recommendation of the Minister of Finance;
- (b) "province" does not include the Northwest Territories or the Yukon Territory; and
- (c) "tax otherwise payable under this Part" means the amount that, but for this section, would be the tax payable by a taxpayer under this Part for the taxation year in respect of which the expression is being applied if the taxpayer were not entitled to any deduction under section 41 or 41A and were not liable for the payment of any amount by virtue of subsection (3) of section 22 of the *Old Age Security Act*."

(3) Subsection (1) shall be deemed to have come into force on January 1, 1967, and subsections (1) to (3) of section 33 of the said Act, as enacted by subsection (2), are applicable to the 1967 and subsequent taxation years.

8. Paragraph (a) of subsection (3) of section 36 of the said Act is repealed and the following substituted therefor:

"(a) the aggregate of amounts deductible under paragraphs (u) and (ua) of subsection (1) of section 11 in computing his income for that year, and"

9. (1) Subsection (1) of section 40 of the said Act is repealed and the following substituted therefor:

Deduction from corporation tax.

"**40.** (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to 10% of the corporation's taxable income earned in the year in a province other than the Northwest Territories or the Yukon Territory."

(2) This section is applicable to the 1967 and subsequent taxation years.

10. (1) Paragraph (a) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

- “(a) an officer or servant of the government of a country other than Canada whose duties require him to reside in Canada Employees of a country other than Canada.
- (i) if, immediately before assuming such duties, he resided outside Canada,
 - (ii) if that country grants a similar privilege to an officer or servant of Canada of the same class,
 - (iii) if he was not, at any time in the period, engaged in a business or performing the duties of an office or employment in Canada other than his position with that government, and
 - (iv) if he was not during the period a Canadian citizen;
- (ab) a member of the family of a person described in paragraph (a) who resides with that person, or a servant employed by a person described in paragraph (a), Members of the family and servants of employees of a country other than Canada.
- (i) if the country of which the person described in paragraph (a) is an officer or servant grants a similar privilege to members of the family residing with and servants employed by an officer or servant of Canada of the same class,
 - (ii) if he was not, in the case of a member of the family, at any time lawfully admitted to Canada for permanent residence, or at any time in the period engaged in a business or performing the duties of an office or employment in Canada,
 - (iii) if, in the case of a servant, immediately before assuming his duties as a servant of a person described in paragraph (a), he resided outside Canada and since first assuming such duties in Canada he has not at any time engaged in a business in Canada or been employed in Canada other than by a person described in paragraph (a), and
 - (iv) if he was not during the period a Canadian citizen;”

(2) Paragraph (q) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

Pension trust
or corpo-
ration.

“(q) a trust or corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90% of the income of which for the period was

- (i) from sources in Canada,
- (ii) from bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by subsection (1) of section 2 of the *Bretton Woods Agreements Act*, the income from which securities is payable in Canadian currency, or
- (iii) from sources in Canada and from bonds, debentures or other securities described in subparagraph (ii);”

(3) Paragraph (ra) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

Trust under
a registered
supple-
mentary
unemploy-
ment benefit
plan.

“(ra) a trust under a registered supplementary unemployment benefit plan to the extent provided by section 79A;”

(4) Paragraphs (a), (ab) and (q) of subsection (1) of section 62, as enacted by subsections (1) and (2) of this section, are applicable to the 1967 and subsequent taxation years.

11. (1) Paragraph (e) of subsection (3) of section 66 of the said Act is repealed.

(2) Subsection (3) of section 66 of the said Act, as amended by subsection (1), is applicable with respect to any amount, in that subsection referred to as a transferred amount, paid after March 29, 1966, as a contribution or premium referred to therein.

12. (1) All that portion of subsection (1) of section 72 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"72. (1) There may be deducted in computing the income for a taxation year of a taxpayer who carried on business in Canada and made expenditures in respect of scientific research in the year the amount by which the aggregate of"

Deductions
from
income.

(2) Subsection (1) of section 72 of the said Act is further amended by striking out the word "and" at the end of paragraph (a) thereof, by adding the word "and" at the end of paragraph (b) thereof and by adding thereto the following:

"(c) all expenditures in the year by way of repayment of amounts paid to the taxpayer under an *Appropriation Act* and on terms and conditions approved by the Treasury Board for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry,
exceeds the aggregate of amounts paid to him in the year under an *Appropriation Act* and on terms and conditions described in paragraph (c)."

(3) Subsection (5) of section 72 of the said Act is repealed and the following substituted therefor:

"(5) An amount claimed under paragraph (b) of subsection (1) in computing a deduction under that subsection shall, for the purpose of section 20, be deemed to be an amount allowed to the taxpayer in respect of the property (acquired by the expenditures) under regulations made under paragraph (a) of subsection (1) of section 11 and for that purpose the property (acquired by the expenditures) shall be deemed to be of a separate prescribed class."

Expenditures
of a capital
nature.

13. (1) Clause (A) of subparagraph (ii) of paragraph (b) of subsection (2) of section 72A of the said Act is repealed and the following substituted therefor:

"(A) the base scientific expenditures of the corporation and of each corporation associated with the corporation in the year other than a corporation an amount equal to the base scientific

expenditure of which is included, by virtue of paragraph (jc) of subsection (2) of section 851, in the base scientific expenditure of another corporation that is also associated with the corporation in the year,"

(ii) of paragraph (b) of subsection (2) of section 72A of the said Act is repealed and the following substituted therefor:

"3. in respect of which substantially all the business that was carried on by such corporation in Canada in its last taxation year that ended before April 11, 1962, was acquired in any manner whatsoever, other than by an amalgamation within the meaning of section 851, by the corporation or one or more corporations associated with the corporation in the year, and"

(3) This section is applicable to the 1962 to 1966 taxation years, each inclusive.

14. (1) Subsections (1) and (2) of section 79A of the said Act are repealed and the following substituted therefor:

Definitions.

"Registered supplementary unemployment benefit plan."

"Supplementary unemployment benefit plan."

"79A. (1) In this Act,

- (a) "registered supplementary unemployment benefit plan" means a supplementary unemployment benefit plan accepted by the Minister for registration for the purposes of this Act in respect of its constitution and operations for the taxation year under consideration; and
- (b) "supplementary unemployment benefit plan" means an arrangement, other than an arrangement in the nature of superannuation or pension fund or plan or an employees profit sharing plan, under which payments are made by an employer to a trustee in trust exclusively for the payment of periodic amounts to employees or former employees of the employer who are or may be laid off for any temporary or indefinite period.

No tax while trust governed by plan.

(2) No tax is payable under this Part by a trust upon the taxable income of the trust for a period

during which the trust was governed by a registered supplementary unemployment benefit plan."

(2) Subsection (4) of section 79A of the said Act is repealed and the following substituted therefor:

"(4) An amount paid by an employer to a trustee under a registered supplementary unemployment benefit plan during a taxation year or within 30 days thereafter may be deducted in computing the employer's income for the taxation year to the extent that it was not deductible in computing income for a previous taxation year."

Payments by employer deductible.

(3) Subsections (1) and (2) of section 79A, as enacted by subsection (1), are applicable to the 1966 and subsequent taxation years, and subsection (4) of section 79A, as enacted by subsection (2), is applicable with respect to amounts paid after December 21, 1966.

15. (1) Paragraph (b) of subsection (1) of section 79c of the said Act is repealed and the following substituted therefor:

"(b) "profit sharing plan" means an arrangement under which payments computed by reference to his profits from his business or by reference to his profits from his business and the profits, if any, from the business of a corporation with whom he does not deal at arm's length are or have been made by an employer to a trustee in trust for the benefit of employees of that employer or employees of any other employer, whether or not payments are or have been also made to the trustee by the employees."

"Profit sharing plan."

(2) Paragraph (a) of subsection (2) of section 79c of the said Act is repealed and the following substituted therefor:

"(a) the plan provides that each payment made under the plan to a trustee in trust for the benefit of beneficiaries thereunder is the aggregate of amounts each of which is required to be allocated by the trustee in the year in which it is received by him, to the individual beneficiary in respect of whom the amount was so paid,"

Acceptance of plan for registration.

(3) Subsection (2) of section 79c of the said Act is further amended by striking out the word "and" at

the end of paragraph (f) thereof, by repealing paragraph (g) thereof and by substituting therefor the following paragraphs:

- “(g) the plan provides that, if a trust company incorporated under the laws of Canada or of a province is not a trustee under the plan, there shall be at least 3 trustees under the plan who shall be individuals;
- (h) the plan provides that all income received, capital gains made and capital losses sustained by the trust governed by the plan must be allocated to beneficiaries under the plan on or before a day 90 days after the end of the year in which they were received, made or sustained, as the case may be, to the extent that they have not been allocated in years preceding that year;
- (i) the plan provides that all amounts allocated or reallocated by a trustee under the plan to a beneficiary under the plan vest irrevocably in that beneficiary not later than 5 years after the end of the year in which the amounts are so allocated or reallocated unless that beneficiary becomes, before that time, a person who is not an employee of any employer who makes or has made payments under the plan;
- (j) the plan provides that a trustee under the plan inform, in writing, all new beneficiaries under the plan of their rights under the plan;
- (k) the plan provides that, in respect of each employee who is a beneficiary under the plan, all amounts vested in the employee become payable to the employee or, in the event of his death, to a beneficiary designated by him or to his estate, not later than 90 days after the earliest of
 - (i) the death of the employee,
 - (ii) the day on which the employee ceases to be employed by an employer who makes or has made payments under the plan to a trustee under the plan,
 - (iii) the day on which the employee becomes 71 years of age, or
 - (iv) the termination or winding up of the plan, except that the plan may provide that, upon election by the employee, all or any part of the amounts payable to him may be paid
 - (v) in equal instalments payable not less frequently than annually over a period

- not exceeding 10 years from the day on which the amount became payable, or
- (vi) by a trustee under the plan to a person licensed or otherwise authorized under the laws of Canada or a province to carry on in Canada an annuities business, to purchase for the employee an annuity commencing not later than a day 71 years after the day of his birth, the guaranteed term of which, if any, does not exceed 15 years; and
 - (l) the plan, in all other respects, complies with regulations of the Governor in Council made on the recommendation of the Minister of Finance."

(4) All that portion of subsection (7) of section 79c of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"(7) There may be deducted in computing the income of an employer for a taxation year the aggregate of each amount paid by the employer in the year or within 120 days after the end of the year, to a trustee under a deferred profit sharing plan for the benefit of employees of the employer who are beneficiaries under the plan, not exceeding, however, in respect of each individual employee in respect of whom the amounts so paid by the employer were paid by him, an amount equal to the least of"

Amount of
employer's
contri-
bution
deductible.

(5) Subsection (7) of section 79c of the said Act is further amended by striking out the word "or" at the end of paragraph (a) thereof, by adding the word "or" at the end of paragraph (b) thereof and by adding thereto the following paragraph:

"(c) 20% of the salary or wages paid in the year to the employee by the employer,"

(6) Subsection (9) of section 79c of the said Act is repealed and the following substituted therefor:

"(9) There shall be included in computing the income of a beneficiary under a deferred profit sharing plan for a taxation year each amount received by him in the year from a trustee under the plan, minus

Amounts
received
taxable.

- (a) any amounts deductible under subsections (10) and (11) in computing the income of the beneficiary for the year, and

- (b) amounts paid by a trustee under the plan pursuant to the plan to a person described in subparagraph (vi) of paragraph (k) of subsection (2) to purchase an annuity described in that subparagraph.”

(7) Paragraph (a) of subsection (11) of section 79c of the said Act is repealed and the following substituted therefor:

- “(a) the aggregate of each amount so paid by the employee in the year or a previous year to the extent that any such payment was not deductible in computing the employee’s income,”

(8) All that portion of subsection (13) of section 79c of the said Act following paragraph (b) thereof is repealed and the following substituted therefor:

- “(c) the plan does not, as of January 1, 1968,
 (i) comply with the conditions described in paragraphs (a) to (k) of subsection (2), and
 (ii) provide that the amounts held by the trust for the benefit of beneficiaries thereunder that remain unallocated on December 31, 1967 must be allocated or reallocated, as the case may be, before 1969,

the Minister may revoke the registration of the plan as of any date following,

- (d) where paragraph (a) applies, the date that the plan ceased so to comply,
 (e) where paragraph (b) applies, the date that any provision of the plan was not so complied with, and
 (f) where paragraph (c) applies, January 1, 1968, and he shall thereafter give notice of his action by registered mail to a trustee under the plan and to an employer of employees who are beneficiaries under the plan.”

(9) Section 79c of the said Act is further amended by adding thereto the following subsection:

- “(17) Where a trust governed by a deferred profit sharing plan or revoked plan
 (a) disposes of property to a taxpayer for a consideration less than the fair market value of the

Inadequate consideration on purchase from or sale to trust.

property at the time of the transaction, or for no consideration, or

(b) acquires property from a taxpayer for a consideration greater than the fair market value of the property at the time of the transaction, the difference between such fair market value and the consideration, if any, shall be deemed to be,

(c) for the purposes of subsection (9), an amount received by the taxpayer from a trustee under the plan as if the taxpayer were a beneficiary under the plan, and

(d) for the purposes of section 105N, an amount forfeited in the trust and reallocated to the taxpayer, as if the taxpayer were an employee who was a beneficiary under the plan,

at the time of the disposal or acquisition, as the case may be."

(10) Subsections (1) to (3) and subsection (9) shall be deemed to have come into force on December 21, 1966, and subsections (4) and (5) are applicable to taxation years commencing after that date.

16. Section 83A of the said Act is amended by adding thereto, immediately after subsection (8c) thereof, the following subsection:

"(8ca) For the purposes of this section and section 85i, there shall be deducted in computing

(a) drilling and exploration expenses incurred by a taxpayer on or in respect of exploring or drilling for petroleum or natural gas in Canada, and

(b) prospecting, exploration and development expenses incurred by a taxpayer in searching for minerals in Canada,

any amount paid to him under the *Northern Mineral Exploration Assistance Regulations* made under an *Appropriation Act* that provides for payments in respect of the Northern Mineral Grants Program, and there shall be included in computing such expenses any amount, except an amount in respect of interest, paid by him under such Regulations to Her Majesty in right of Canada."

Extended meaning of drilling and exploration expenses and prospecting, exploration and development expenses.

17. (1) All that portion of paragraph (b) of subsection (3) of section 85A of the said Act, immediately

following subparagraph (i) thereof, is repealed and the following substituted therefor:

“exceeds the lesser of

- (ii) 20% of the amount of the benefit so deemed to have been received, or
- (iii) \$200,”

(2) This section is applicable to benefits deemed by paragraph (a), (b), (c) or (d) of subsection (1) of section 85A of the said Act to have been received by an employee after March 29, 1966, except that this section shall not apply to any such benefit so deemed to have been received before January 1, 1968, if the agreement between the employee and his employer under which the benefit is received existed before March 30, 1966.

(3) An agreement that existed before March 30, 1966 but that is amended after that date shall, if the amendment is for the sole purpose of allowing an option therein granted to be exercised before January 1, 1968, be deemed, notwithstanding the amendment, to be an agreement between the employee and his employer that existed before March 30, 1966.

18. (1) Section 85B of the said Act is amended by adding thereto, immediately after subsection (6a) thereof, the following subsection:

No deduction in respect of sale of property in certain circumstances.

“(6b) Paragraph (d) of subsection (1) does not apply to allow a deduction in computing the income of a taxpayer for a taxation year from a business in respect of property sold in the course of the business where the taxpayer ceases to be a resident of Canada or becomes exempt from tax under any provision of this Part at any time in the year or in the immediately following year.”

(2) Subsection (6b) of section 85B of the said Act, as enacted by this section, is applicable in respect of property sold in the course of a business pursuant to an agreement entered into after December 21, 1966.

19. (1) The said Act is further amended by adding thereto, immediately after Part IIb thereof, the following Part:

“PART IIc.

TAXES ON DEFERRED PROFIT SHARING PLANS AND REVOKED PLANS.

105K. (1) Every trust governed by a deferred profit sharing plan or revoked plan that

Tax on non-qualified investments and use of assets as security.

- (a) acquires a non-qualified investment, or
- (b) uses or permits to be used any property of the trust as security for a loan,

shall pay a tax equal to the cost to the trust of the non-qualified investment or the fair market value, at the time the property is used as security, of the property so used, as the case may be.

(2) A trustee of a trust liable to pay tax under subsection (1) shall remit the amount of the tax to the Receiver General of Canada within 10 days of the day on which the non-qualified investment is acquired or the property is used as security for a loan, as the case may be.

Payment of tax.

(3) Where a trustee of a trust liable to pay tax under subsection (1) does not remit to the Receiver General of Canada the amount of the tax within the time specified in subsection (2), the trustee is personally liable to pay on behalf of the trust the full amount of the tax and is entitled to recover from the trust any amount paid by him as tax under this section.

Trustee liable for tax.

(4) Where a trust disposes of a non-qualified investment the acquisition of which resulted in the imposition of tax under this section, the trust is, upon application in accordance with section 1050, entitled to a refund of an amount equal to the lesser of

Refund of tax on disposition of non-qualified investment.

- (a) the amount of the tax imposed under this section as a result of the acquisition, or
- (b) the proceeds of disposition of the non-qualified investment.

(5) Where a loan, for which a trust has used or permitted to be used trust property as security, ceases to be extant, the trust is, upon application in accordance with section 1050, entitled to a refund of an amount equal to the amount remaining, if any, when

Refund of tax on recovery of property given as security.

- (a) the net loss (exclusive of payments by the trust as or on account of interest) sustained by the trust in consequence of its using or permitting to be used the property as security for the loan and not as a result of a change in the fair market value of the property

is deducted from

- (b) the tax imposed under this section in consequence of the trust's using or permitting to be used the property as security for the loan.

(6) For the purposes of this section,

- (a) the acquisition of an interest in or the payment of an amount under a life insurance policy shall

Special rules relating to life insurance policies.

be deemed not to be the acquisition of a non-qualified investment, and

- (b) the disposition of an interest in a life insurance policy shall be deemed not to be the disposition of a non-qualified investment,

except that where a trust governed by a deferred profit sharing plan or revoked plan makes a payment under or to acquire an interest in a life insurance policy, other than a life insurance policy under which

- (c) the trust is, or is by virtue of the payment about to become, the only person entitled to any rights or benefits under the policy (other than the rights or benefits of the insurer),
- (d) the cash surrender value of the policy (exclusive of accumulated dividends) is or will be, at a time before the 71st anniversary of the birth of the insured person, if all premiums under the policy are paid, not less than the maximum total amount (exclusive of accumulated dividends) payable by the insurer under the policy, and
- (e) the total of the premiums payable in any year under the policy is not greater than the aggregate of the amounts that, if the annual premiums had been payable in monthly instalments, would have been payable as such instalments in the 12 months commencing with the date the policy was issued,

the making of the payment shall be deemed to be the acquisition of a non-qualified investment at a cost equal to the amount of the payment.

Idem.

(7) Notwithstanding subsection (6), where the aggregate of all payments made in a year by a trust governed by a deferred profit sharing plan or revoked plan under or to acquire interests in life insurance policies in respect of which the trust is the only person entitled to any rights or benefits (other than the rights or benefits of the insurer) does not exceed an amount equal to 25% of the aggregate of all amounts paid by employers to the trust in the year under the plan for the benefit of beneficiaries thereunder, the making of the payments under or to acquire interests in such policies shall be deemed, for the purposes of this section, not to be the acquisition of non-qualified investments.

Idem.

(8) Where a trust surrenders, cancels, assigns or otherwise disposes of its interest in a life insurance policy,

- (a) the trust shall be deemed, for the purposes of subsection (4), to have disposed of each non-

qualified investment that, by virtue of payments under the policy, it was deemed by subsection (6) to have acquired, and

- (b) the proceeds of the disposition shall be deemed to be the amount, if any, by which
 - (i) the amount received by the trust in consequence of the surrender, cancellation, assignment or other disposition of its interest in the policy exceeds the aggregate of
 - (ii) each amount paid by the trust under or to acquire an interest in the policy, the payment of which is deemed by this section not to be the acquisition of a non-qualified investment, and
 - (iii) the cash surrender value on December 21, 1966 of the interest of the trust in the policy on that date.

105L. (1) Every trust governed by a deferred profit sharing plan or revoked plan shall pay a tax

Tax on initial non-qualified investments not disposed of.

- (a) for 1967, equal to the amount, if any, by which 20% of the initial base of the trust exceeds the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1968;
- (b) for 1968, equal to the amount, if any, by which 40% of the initial base of the trust exceeds the aggregate of
 - (i) the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1969, and
 - (ii) the tax payable by the trust determined under paragraph (a);
- (c) for 1969, equal to the amount, if any, by which 60% of the initial base of the trust exceeds the aggregate of
 - (i) the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1970, and
 - (ii) the tax payable by the trust determined under paragraphs (a) and (b);
 and
- (d) for 1970, equal to the amount, if any, by which 100% of the initial base of the trust exceeds the aggregate of
 - (i) the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before 1971, and

Refund.

(ii) the tax payable by the trust determined under paragraphs (a), (b) and (c).

(2) Where at the end of a year,

(a) the aggregate of all taxes paid by a trust under subsection (1) exceeds

(b) the aggregate of

(i) all refunds made to the trust under this subsection, and

(ii) the amount, if any, by which the initial base of the trust exceeds the proceeds of disposition of its initial non-qualified investments disposed of after December 21, 1966 and before the end of the year,

the trust is, upon application in accordance with section 1050, entitled to a refund equal to the amount by which the aggregate described in paragraph (a) exceeds the aggregate described in paragraph (b).

Distribution deemed disposition.

105M. For the purposes of this Part a distribution by a trust of a non-qualified investment to a beneficiary of the trust shall be deemed to be a disposition of that non-qualified investment and the proceeds of disposition of that non-qualified investment shall be deemed to be its fair market value at the time of such distribution.

Tax on forfeitures.

105N. (1) Every trust governed by a deferred profit sharing plan or revoked plan shall, for each year after 1965, pay a tax equal to 50% of the amount, if any, by which

(a) the amount forfeited in the trust in the year, exceeds the aggregate of

(b) the amount or value of funds or property of the trust appropriated to or for the benefit of the employer in the year and included in his income by virtue of subsection (12) of section 79c, and

(c) the aggregate of amounts determined under subsection (2) for the year in respect of each employee who was a beneficiary under the plan.

Idem.

(2) The amount determined for the purposes of paragraph (c) of subsection (1) for a year in respect of an employee who was a beneficiary under a deferred profit sharing plan or revoked plan is the lesser of

(a) such portion of the amount forfeited in the trust in the year as was reallocated in the

year or within 90 days after the end of the year to that employee, or

(b) the amount, if any, by which

(i) the product obtained when \$2,000 is multiplied by the number of years in which the employee was a beneficiary under the plan or under any antecedent deferred profit sharing plan that governed a trust to which payments were made under the antecedent plan for the benefit of beneficiaries thereunder by the employee's employer,

exceeds the aggregate of

(ii) amounts deducted under subsection (7) of section 79c in respect of the employee in computing the income of the employee's employer for the taxation year ending in or coincidentally with the year or for a previous taxation year,

(iii) amounts determined in respect of the employee for the purposes of paragraph (c) of subsection (1) for years preceding the year, and

(iv) amounts forfeited in the trust before December 21, 1966 to the extent that they have been reallocated to the employee on or before the last day of the year for which the determination is made.

(3) In this section "amount forfeited" in a trust governed by a deferred profit sharing plan or revoked plan in any period means the aggregate of each amount in respect of a person who ceased in the period to be a beneficiary under the plan,

Amount forfeited in a trust.

(a) that at any time before the end of the period was allocated or reallocated, contingently or otherwise, by the trust to that person, and

(b) that did not vest irrevocably in that person at or before the time at which he ceased to be a beneficiary under the plan.

(4) For the purposes of subsection (3), an amount paid whether before, on or after December 21, 1966, under a deferred profit sharing plan by an employer to a trustee under the plan in respect of an employee shall be deemed to have been allocated by the trustee to that employee at the time it was so paid.

Deemed allocation.

1050. (1) Within 90 days from the end of each year after 1965, a trustee of every trust governed by a deferred profit sharing plan or revoked plan shall

Returns and payment of estimated tax.

- (a) file with the Minister a return for the year under this Part in prescribed form and containing prescribed information, without notice or demand therefor,
- (b) estimate in the return the amount of tax payable by the trust under this Part for the year,
- (c) estimate in the return the amount of any refund to which the trust is entitled under this Part for the year, and
- (d) pay to the Receiver General of Canada the unpaid balance of the trust's tax for the year minus any refund to which it is entitled under this Part, or apply in the return for any amount owing to it.

Consideration
of appli-
cation for
refund.

(2) Where a trustee of a trust has made application for an amount owing to it pursuant to subsection (1), the Minister shall

- (a) consider the application;
- (b) determine the amount of any refund; and
- (c) send to the trustee a notice of refund and any amount owing to the trust, or a notice that no refund is payable.

Application
of certain
provisions
of Part I.

(3) Subsection (2) of section 44, section 46, section 51, subsection (1) of section 54 and sections 55 to 61A are applicable *mutatis mutandis* to this Part and for the purposes of the application of those sections to this Part, a notice of refund under this section shall be deemed to be a notice of assessment.

Idem.

(4) Subsections (3) and (3a) of section 57 are applicable *mutatis mutandis* to refunds of tax under subsection (4) or (5) of section 105K or subsection (2) of section 105L.

Interest.

(5) In addition to the interest payable under subsection (1) of section 54, where a taxpayer, being required by section 105K to pay a tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at 6% per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection (1) of section 54, whichever is earlier.

Application to
other taxes.

105P. Instead of making a refund to which a trust is entitled under subsection (4) or (5) of section 105K or under subsection (2) of section 105L, the Minister may, where the trust is liable or about to become liable to make another payment under this Act, apply the amount of the refund or any part thereof

to that other liability and notify a trustee of the trust of that action.

105q. In this Part,

- | | |
|--|---|
| <p>(a) "equity share" means an equity share within the meaning of section 139A;</p> <p>(b) "initial base" of a trust means the aggregate of the values of all initial non-qualified investments held by the trust on December 21, 1966 when each such investment is valued at the lower of</p> <p style="padding-left: 20px;">(i) its cost to the trust, or</p> <p style="padding-left: 20px;">(ii) its fair market value on December 21, 1966;</p> <p>(c) "initial non-qualified investment" of a trust means a non-qualified investment held by the trust on December 21, 1966 but does not include</p> <p style="padding-left: 20px;">(i) any interest in a life insurance policy, or</p> <p style="padding-left: 20px;">(ii) an equity share that would be a qualified investment if the date of acquisition of the share were December 21, 1966;</p> <p>(d) "non-qualified investment" means property that is not a qualified investment for a trust governed by a deferred profit sharing plan or revoked plan within the meaning of paragraph (e);</p> <p>(e) "qualified investment" for a trust governed by a deferred profit sharing plan or revoked plan means</p> <p style="padding-left: 20px;">(i) money, including balances standing to the trust's credit in the records of a bank to which the <i>Bank Act</i> or the <i>Quebec Savings Banks Act</i> applies,</p> <p style="padding-left: 20px;">(ii) bonds, debentures, notes, mortgages, hypothecs or similar obligations described in clause (C) of subparagraph (ii) of paragraph (b) of subsection (1) of section 106, whether issued before, on or after April 15, 1966,</p> <p style="padding-left: 20px;">(iii) bonds, debentures, notes or similar obligations of a corporation the shares of which are listed on a prescribed stock exchange in Canada, other than those described in paragraph (c) of subsection (2) of section 79c,</p> <p style="padding-left: 20px;">(iv) shares listed on a prescribed stock exchange in Canada,</p> <p style="padding-left: 20px;">(v) shares of a corporation defined by section 69 to be an investment company,</p> | <p>Definitions.
"Equity share."</p> <p>"Initial base."</p> <p>"Initial non-qualified investment."</p> <p>"Non-qualified investment."</p> <p>"Qualified investment."</p> |
|--|---|

- (vi) equity shares of a corporation by which, before the date of acquisition by the trust of the shares, payments have been made in trust to a trustee under the plan for the benefit of beneficiaries thereunder, if the shares are of a class in respect of which
 - (A) there is no restriction on their transferability, and
 - (B) in each of 4 taxation years of the corporation in the period of the corporation's 5 consecutive taxation years that ended less than 12 months before the date of acquisition of the shares by the trust, and in the corporation's last taxation year in that period, the corporation
 - 1. paid a dividend on each share of the class of an amount not less than 4% of the cost per share of the shares to the trust, or
 - 2. had earnings attributable to the shares of the class of an amount not less than the amount obtained when 4% of the cost per share to the trust of the shares is multiplied by the total number of shares of the class that were outstanding immediately after such acquisition,
- (vii) guaranteed investment certificates issued by a trust company incorporated under the laws of Canada or of a province,
- (viii) investment contracts described in clause, (B) of subparagraph (ii) of paragraph (h) of subsection (1) of section 79B and issued by a corporation approved by the Governor in Council for the purposes of that clause,
- (ix) shares listed on a prescribed stock exchange in a country other than Canada and not listed on a prescribed stock exchange in Canada, to the extent that the cost to the trust of all such shares held by the trust immediately after the latest acquisition by the trust of any such shares is not greater than 10% of the cost to the trust of all property held by it immediately before such acquisition, and
- (x) such other investments as may be prescribed by regulations of the Governor in

Council made on the recommendation of the Minister of Finance; and

- (f) "revoked plan" means a deferred profit sharing plan the registration of which has been revoked by the Minister pursuant to subsection (13) of section 79c." "Revoked plan."

(2) This section shall be deemed to have come into force on December 21, 1966, and for the purposes of sections 105N and 105o, the year 1966 shall be deemed to be that portion of the year that follows December 21, 1966.

20. Subsection (2) of section 107 of the said Act is repealed and the following substituted therefor:

"(2) For the purpose of subsection (1) and of this subsection, if 90% of the aggregate of the amounts received or receivable by a corporation that are required to be included in computing its income for a taxation year was received or receivable in respect of the operation by it of public utilities or from the mining, transporting and processing of ore, an amount received or receivable in that year from that corporation by another corporation shall if it is required to be included in computing the receiving corporation's income for the year, be deemed to have been received by the receiving corporation in respect of the operation by it of public utilities or from the mining, transporting and processing of ore by it in the country in which the public utilities were operated or the mining, transporting and processing of ore was carried out by the payer corporation." Idem.

21. The said Act is further amended by adding thereto, immediately after section 130 thereof, the following section:

"**130A.** (1) Every individual who is required by paragraph (d) of subsection (1) of section 44 to file a return of his income for a taxation year after 1966 shall, on or before the first day of February of the year after the year for which the return is required, unless he has previously been assigned or made application to be assigned a Social Insurance Number, apply to the Minister of National Health and Welfare in prescribed form and manner for the assignment to him of a Social Insurance Number. Application for assignment of Social Insurance Number.

(2) Every person who has filed a return of his income for a taxation year after 1966 and has Failure to show Social Insurance Number.

failed to show therein the Social Insurance Number that has been assigned to him or for which he is required by this section to apply shall be deemed to have failed to complete the information on a prescribed form as required by or pursuant to section 44."

22. (1) Section 133 of the said Act is amended by adding thereto, immediately after subsection (5) thereof, the following subsections:

Appeal from
order or
direction.

"(5a) An order or direction made in the course of or in connection with any legal proceedings requiring an official or authorized person to give evidence relating to any information or produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act, may, by notice served upon all interested parties, be appealed forthwith by the Minister or by the person against whom the order or direction is made to

(a) the court of appeal of the province in which the order or direction is made, in the case of an order or direction made by a court or other tribunal established by or pursuant to the laws of the province, whether or not such court or tribunal is exercising a jurisdiction conferred by the laws of Canada; or

(b) the Supreme Court of Canada, in the case of an order or direction made by a court or other tribunal established by or pursuant to the laws of Canada.

Disposition
of appeal.

(5b) The court to which an appeal is taken pursuant to subsection (5a) may allow the appeal and quash the order or direction appealed from or dismiss the appeal, and the rules of practice and procedure from time to time governing appeals to the court shall apply, *mutatis mutandis*, to an appeal instituted pursuant to subsection (5a).

Stay of
order or
direction.

(5c) An appeal instituted pursuant to subsection (5a) shall stay the operation of the order or direction appealed from until judgment is pronounced."

(2) Subsection (7) of section 133 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof, by adding the word "and" at the end of paragraph (b) thereof and by adding thereto the following paragraph:

"Court of
appeal."

"(c) "court of appeal" has the meaning assigned by subparagraphs (a) to (j) of paragraph (9) of section 2 of the *Criminal Code*."

23. (1) Subsection (4) of section 38 of the said Act is amended by striking out the reference therein to subsection (4) of section 10 of the *Old Age Security Act* and by substituting therefor a reference to subsection (4) of section 22 of that Act.

(2) Subsection (3) of section 117 of the said Act is repealed.

(3) This section shall be deemed to have come into force on the day during the First Session of the Twenty-seventh Parliament on which an Act entitled *An Act to amend the Old Age Security Act* is assented to.

CANADIAN VESSEL CONSTRUCTION ASSISTANCE ACT.

24. (1) The *Canadian Vessel Construction Assistance Act* is repealed.

R.S. c. 43;
1952-53, c. 14;
1957-58, c. 12.

(2) Prescribed classes constituted under the *Canadian Vessel Construction Assistance Act* shall, on the coming into force of this section, be deemed to be prescribed classes for the purposes of paragraph (a) of subsection (1) of section 11 and section 20 of the *Income Tax Act* and the capital cost of property in each such class shall be deemed to be the capital cost of the property in the class, as determined under the *Canadian Vessel Construction Assistance Act* immediately before the coming into force of this section.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 92

An Act respecting pension plans organized and administered for the benefit of persons employed in connection with certain federal works, undertakings and businesses.

[Assented to 23rd March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Pension Benefits Standards Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | Definitions. |
|---|-----------------------------|
| (a) "administrator" includes an insurer or trustee under a pension plan; | "Administrator." |
| (b) "continuous period" means a period of service or membership in a pension plan calculated without regard to temporary interruptions in such service or membership; | "Continuous period." |
| (c) "deferred pension benefit" means a pension benefit that commences at retirement age but in any event not later than 70 years of age; | "Deferred pension benefit." |
| (d) "designated province" means a province prescribed by the regulations as a province in which there is in force a law substantially similar to this Act; | "Designated province." |
| (e) "employee" includes an officer, and, unless the context otherwise requires, a former employee and former officer; | "Employee." |
| (f) "employer" in relation to an employee, means the person or organization, whether incorpo- | "Employer." |

- rated or unincorporated, from whom the employee receives or formerly received his remuneration, and includes the successors or assigns of such employer;
- "Employment." (g) "employment" means the performance of service under an express or implied contract of service or apprenticeship, and includes the tenure of an office;
- "Immediate pension benefit." (h) "immediate pension benefit" means a pension benefit that commences immediately at the time an employee becomes entitled thereto;
- "Included employment." (i) "included employment" has the meaning assigned by section 3;
- "Minister." (j) "Minister" means the Minister of Finance;
- "Office", "officer." (k) "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes the position of an officer or director of a corporation or other organization and of an agent acting for his principal on a substantially full-time basis, and "officer" means a person holding such a position;
- "Pension benefit", "pension benefit credit." (l) "pension benefit" means an annual, monthly or other periodic amount by way of annuity to which, under the terms of a pension plan, an employee is or may become entitled upon retirement or termination of his service under the plan, and "pension benefit credit" means the value at a particular time of the pension benefit and other benefits provided under the terms of a pension plan to which an employee has become entitled;
- "Pension plan." (m) "pension plan" means a superannuation or pension fund or plan organized and administered to provide pension benefits to employees employed in included employment, whether or not provision is also made for other benefits or for benefits to other persons, and includes
- (i) a unit benefit plan under which pension benefits are determined by reference to length of service of an employee and to the remuneration paid or payable to an employee during the period of his service or during a selected period of his service;
 - (ii) a money purchase plan under which pension benefits are determined on retirement or termination of service of an employee

- by reference to the accumulated amount of the contributions paid by or to the credit of the employee;
- (iii) a flat benefit plan under which pension benefits are expressed either as a fixed amount in respect of each year of an employee's service or each year of a selected period of his service or as a fixed periodic amount; and
 - (iv) a profit sharing pension plan, other than an employees' profit sharing plan as defined by section 79 of the *Income Tax Act* or a deferred profit sharing plan as defined by section 79c of that Act;
- (n) "qualification date" means the 1st day of October, 1967; "Qualification date."
 - (o) "registered pension plan" means a pension plan that is registered and in respect of which a certificate of registration has been issued by the Superintendent under this Act; "Registered pension plan."
 - (p) "regulations" means regulations made under this Act; "Regulations."
 - (q) "retirement age" in relation to an employee, means the earliest age at which a pension benefit, other than a benefit in respect of a disability, is or may become payable to the employee under the terms of a pension plan without adjustment by reason of early retirement; "Retirement age."
 - (r) "standards for registration" has the meaning assigned by section 9; "Standards for registration."
 - (s) "Superintendent" means the Superintendent of Insurance appointed pursuant to the *Department of Insurance Act*; "Superintendent."
 - (t) "supplemental pension plan" means a pension plan organized and administered for the benefit of employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan; and "Supplemental pension plan."
 - (u) "voluntary additional contribution" means an optional contribution by an employee to or under a pension plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make an additional contribution to or under the plan. "Voluntary additional contribution."

INCLUDED EMPLOYMENT.

"Included employment" defined.

3. (1) In this Act, "included employment" means employment, other than excepted employment, upon or in connection with the operation of any work, undertaking or business that is within the legislative authority of the Parliament of Canada including, without restricting the generality of the foregoing,

- (a) any work, undertaking or business operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of a ship and transportation by ship anywhere in Canada;
- (b) any railway, canal, telegraph or other work or undertaking connecting a province with any other or others of the provinces, or extending beyond the limits of a province;
- (c) any line of steam or other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;
- (d) any ferry between a province and any other province or between any province and any country other than Canada;
- (e) any aerodrome, aircraft or line of air transportation;
- (f) any radio broadcasting station;
- (g) any bank;
- (h) any work or undertaking, that although wholly situated within a province, is before or after its execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and
- (i) any work, undertaking or business outside the exclusive legislative authority of provincial legislatures, and any work, undertaking or business of a local or private nature in the Yukon Territory or the Northwest Territories.

"Excepted employment" defined.

- (2) In this Act, "excepted employment" means
 - (a) employment under Her Majesty in right of Canada; and
 - (b) any employment that is excepted from included employment by any regulation made under subsection (3).

Idem.

(3) The Governor in Council may make regulations excepting from included employment

- (a) employment by an agent of Her Majesty in right of Canada; and
- (b) any employment if the Governor in Council, upon a report of the Minister, is satisfied that
 - (i) provision has been made for the coverage of employees employed in such employment under the terms of a pension plan that is organized and administered for the benefit primarily of employees employed in other than included employment and that is required to be registered under a law of a designated province substantially similar to this Act, or
 - (ii) in any other case, the exception of such employment is warranted having regard to the existence of other arrangements for the safeguarding of any benefits that are or may become available to employees or other persons in respect of such employment, or having regard to such other circumstances as the Governor in Council deems relevant.

POWERS AND FUNCTIONS OF SUPERINTENDENT.

4. The Superintendent, under the direction of the Minister, has the control and supervision of the administration of this Act and in relation thereto has and may exercise and perform the following powers and functions, namely:

Powers and functions.

- (a) to examine all pension plans that are filed for registration under this Act and all amendments to such pension plans that are filed pursuant to this Act;
- (b) to register and issue certificates of registration in respect of all pension plans that are filed for registration under this Act and comply with the standards for registration;
- (c) to carry out periodic or other inspections and audits of registered pension plans;
- (d) to revoke the registration and cancel the certificate of registration in respect of any registered pension plan that ceases to comply with the standards for registration; and
- (e) to conduct studies, surveys and research programs and compile statistical and other information relating to pension plans and the operation of such plans.

AGREEMENTS, ETC.

Agreements,
etc., respect-
ing adminis-
tration.

5. The Minister, with the approval of the Governor in Council, may

- (a) enter into agreements with the appropriate authority of a designated province respecting the registration, inspection or audit of pension plans, or respecting the establishment in Canada of an association of pension commissions;
- (b) authorize the appropriate authority of a designated province, or the association of pension commissions referred to in paragraph (a), to exercise or perform such powers and functions on behalf of the Superintendent or otherwise under this Act as the Minister may determine; and
- (c) designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act.

REGISTRATION OF PENSION PLANS.

Pension
plans
established
before
qualification
date.

6. (1) Every employer of employees who are employed in included employment and are members of a pension plan established or caused to be established by that employer before the qualification date shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

- (a) file a copy of such pension plan with the Superintendent for registration on or before the qualification date or as soon thereafter as the Superintendent may allow;
- (b) file with the Superintendent a copy of any amendment to such pension plan made after the filing of the copy referred to in paragraph (a), within 60 days after the making of such amendment; and
- (c) on and after the qualification date while such pension plan remains in force, ensure the compliance of the plan with the standards for registration.

Pension plans
established
on or after
qualification
date.

(2) Every employer who, on or after the qualification date, establishes or causes to be established a pension plan for the benefit of employees of that employer who are employed in included employment shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

- (a) file a copy of such pension plan with the Superintendent for registration within 60 days after the establishment of the plan;

- (b) file with the Superintendent a copy of any amendment to such pension plan within 60 days after the making of such amendment; and
- (c) while such pension plan remains in force, ensure the compliance of the plan with the standards for registration.

(3) Notwithstanding anything in this section, a pension plan that is required by this Act to be filed by an employer for registration shall be deemed to include a supplemental pension plan organized and administered for the benefit of employees of that employer under the terms of which the employer is not required to make contributions.

Supplemental
plan
included.

7. Every employer by whom any pension plan is required by this Act to be filed for registration shall file with the Superintendent annually, commencing in the year 1967, or at such other intervals or times and in such form as the Superintendent may prescribe, an information return relating to such pension plan.

Annual
information
return.

8. (1) The Superintendent shall with all due despatch examine each pension plan that is filed for registration as required by this Act and shall,

Examination
and
registration.

- (a) if the plan complies with the standards for registration, register and issue a certificate of registration in respect of the plan and notify the employer by registered mail of his action; and
- (b) if the plan fails to comply with the standards for registration,
 - (i) notify the employer by registered mail of the particulars of such non-compliance, and
 - (ii) if within 60 days from the day of mailing of such notification or within such longer period as the Superintendent may allow, the employer fails to ensure the compliance of the plan with the standards for registration, refuse registration of the plan and notify the employer by registered mail of his action.

(2) Where a registered pension plan ceases to comply with the standards for registration whether as a result of an amendment to the plan or for any other reason, the Superintendent shall

Revocation of
registration
where plan
ceases to
comply.

- (a) notify the employer by registered mail of the particulars of such non-compliance; and
- (b) if within 60 days from the day of mailing of such notification or within such longer period

as the Superintendent may allow, the employer fails to ensure the compliance of the plan with the standards for registration, revoke the registration and cancel the certificate of registration in respect of the plan and notify the employer by registered mail of his action.

STANDARDS FOR REGISTRATION.

Standards for
registration.

9. The standards for registration in the case of a pension plan are those set out in sections 10 and 11.

Provisions
respecting
vesting,
locking-in,
etc.

10. (1) A pension plan shall contractually provide and shall be organized and administered so as to provide

(a) that any member of the plan who has been in the service of the employer for a continuous period of 10 years or has been a member of the plan for such period, and who has attained 45 years of age, is entitled, upon retirement or termination of his service under the plan, to a deferred pension benefit not less in amount than and payable on the same terms and conditions as the pension benefit (other than that provided by voluntary additional contributions) to which, if he had attained retirement age, the member would be entitled

- (i) under the terms of the plan, in respect of service under the plan on and after the qualification date, in the case of a plan established before the qualification date,
 - (ii) under the terms of the plan, in the case of a plan established on or after the qualification date, and
 - (iii) by virtue of any amendment to the plan made on or after the qualification date, in the case of a plan whenever established, or to an immediate pension benefit not less in value than the said deferred pension benefit;
- (b) that no benefit provided under the terms of the plan (other than a benefit provided by voluntary additional contributions) is capable of being assigned or alienated or confers upon any employee, personal representative, dependant or other person any right or interest therein that is capable of being assigned or alienated;
- (c) that neither the deferred pension benefit nor the immediate pension benefit referred to in paragraph (a) is capable of being surrendered or commuted during the lifetime of the employee or confers upon any employee or

personal representative, dependant or other person any right or interest therein that is capable of being surrendered or commuted during the lifetime of the employee; and

- (d) that an employee who is entitled to a deferred pension benefit or immediate pension benefit as described in paragraph (a), or who would be so entitled if he retired or his service under the plan was terminated, is not entitled to withdraw any part of his contributions to or under the plan (other than voluntary additional contributions) in respect of service under the plan on or after the qualification date, and that any pension fund moneys attributable to such contributions shall be applied under the terms of the plan towards the provision of the deferred pension benefit or immediate pension benefit referred to in paragraph (a).

(2) Notwithstanding subsection (1), a pension plan may contractually provide and may be organized and administered so as to provide

Alternative provisions.

- (a) for vesting of benefits or locking-in of contributions at an earlier age than 45 years or upon service or membership in the plan for less than 10 years, or both;
- (b) for payment to an employee of an amount equal to the commuted value of any pension benefit to which the employee is entitled, if the benefit, expressed as a monthly amount payable throughout the term thereof, is less than \$10;
- (c) for payment to an employee in partial discharge of his rights under the plan as a lump sum, upon or after termination of his service under the plan before attaining retirement age, of an amount not exceeding in the aggregate 25% of the commuted value of the deferred pension benefit referred to in paragraph (a) of subsection (1);
- (d) that an employee who is entitled to a deferred pension benefit as described in paragraph (a) of subsection (1) may, before the commencement of payment thereof,
 - (i) elect to receive a pension benefit the amount of which is reduced or increased by reason of early or deferred commencement of payment thereof, provision of an annuity to a survivor or to the estate of the employee, or variation of the terms or conditions of

- payment of the benefit to any person after the employee's death, or
- (ii) elect or be authorized to receive a payment or series of payments by reason of any mental or physical disability as defined by the regulations,
- partly or wholly in lieu of the deferred pension benefit referred to in paragraph (a) of subsection (1); and
- (e) that an employee may, on or before attaining retirement age, elect to receive a pension benefit the amount of which is varied by reference to the amount of any pension payable under the *Old Age Security Act*, the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*.

Provisions
respecting
funding and
investment
of moneys.

11. A pension plan shall contractually provide and shall be organized and administered so as to provide

- (a) for funding, in accordance with such tests and standards for solvency as are prescribed by the regulations, that is adequate to provide for payment of all pension benefits and other benefits required to be paid under the terms of the plan;
- (b) for investment of pension fund moneys in such securities and obligations as are prescribed by the regulations; and
- (c) for a written explanation to be given to each member of the plan of the terms and conditions of the plan and any amendments thereto applicable to him, together with an explanation of the rights and duties of the member with reference to the benefits available to him under the terms of the plan and such other information as may be prescribed by the regulations.

WINDING-UP PROVISIONS.

Where
pension plan
terminated
or wound-up.

12. Upon the termination or winding-up of a pension plan required by this Act to be filed by an employer for registration

- (a) all pension fund moneys attributable to contributions to or under the plan that are required to be applied under the terms of the plan towards the provision of a deferred pension benefit or immediate pension benefit as described in paragraph (a) of subsection (1) of section 10, or that would be so required to be

applied if the plan complied with the standards for registration, shall be applied by the administrator of the plan,

- (i) in the case of a former employee, towards the provision of the deferred pension benefit or immediate pension benefit to which the former employee was entitled at the time of the termination of his employment or to which he would have been entitled at that time if the plan had complied with the standards for registration, and
- (ii) in the case of any other employee, towards the provision of the deferred pension benefit or immediate pension benefit to which the employee would have been entitled if he had ceased to be an employee immediately before the termination or winding-up of the plan and the plan had complied with the standards for registration; and
- (b) the employer is liable to pay to the administrator of the plan all amounts that he would otherwise have been required to pay to meet the tests and standards for solvency prescribed by the regulations, up to the date of the termination or winding-up of the plan.

PAYMENT OF BENEFITS AND DESIGNATION OF BENEFICIARIES.

13. Except to the extent that they are inconsistent with or repugnant to this Act, the provisions of any provincial law in force from time to time with respect to the payment of benefits or the designation of beneficiaries under pension plans, that would be applicable to a pension plan organized and administered to provide pension benefits to employees employed in included employment if that provincial law were applicable to such pension plan, shall be deemed to apply to such pension plan as though that employment were not included employment.

Provisions
of provincial
law to apply.

OBJECTIONS AND APPEALS.

14. (1) Where, pursuant to section 8, the Superintendent has notified an employer by registered mail

Notice of
objection.

- (a) of his action in refusing registration of a pension plan, or
- (b) of his action in revoking the registration and cancelling the certificate of registration in respect of a pension plan,

the employer may, within 60 days from the day of mailing of such notification, serve on the Superintendent a notice of

objection in duplicate in prescribed form, setting out the reasons for such objection and all facts relevant thereto.

Service of
notice.

(2) Notice of objection under this section shall be served by being sent by registered mail addressed to the Superintendent of Insurance at Ottawa.

Reconsidera-
tion by
Superin-
tendent.

(3) Upon receipt of a notice of objection, the Superintendent shall with all due despatch reconsider the refusal or the revocation and cancellation, as the case may be, and vary or confirm his action, and shall thereupon notify the employer of his decision by registered mail.

Appeal to
Exchequer
Court.

15. (1) Where an employer has served a notice of objection under section 14, he may,

(a) within 90 days after the Superintendent has confirmed the action taken by him as described in subsection (1) of section 14, or

(b) after 90 days and before 180 days have elapsed after service of the notice of objection and the Superintendent has not notified the employer that he has confirmed or varied the action taken by him,

appeal to the Exchequer Court of Canada for an order as described in paragraph (b) of subsection (6).

Institution
of appeal.

(2) An appeal to the Exchequer Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Ottawa, three copies of a notice of appeal in such form as is prescribed by the regulations.

Registrar
to transmit
copies.

(3) Upon receipt of the copies of the notice of appeal referred to in subsection (2), the Registrar shall transmit two copies to the Superintendent.

Documents
relevant
to appeal.

(4) Forthwith after receiving a copy of the notice of appeal the Superintendent shall forward to the Registrar of the Exchequer Court copies of all documents relevant to the appeal.

Hearing.

(5) An appeal may, in the discretion of the Court, be heard in camera or in public, unless the appellant requests that it be heard in camera, in which case it shall be so heard.

Disposition.

(6) The Court may dispose of an appeal

(a) by dismissing it and ordering the appellant to ensure the compliance of the pension plan to which the appeal relates with the standards for registration, or

(b) by allowing it and ordering the Superintendent to register the pension plan to which the appeal relates or reinstate the registration of such plan, as the circumstances require, and issue a certificate of registration in respect thereof.

(7) An order made as described in paragraph (b) of subsection (6) may include conditions precedent imposed upon the appellant to the registration or reinstatement of registration of the pension plan to which the appeal relates. Conditions.

GENERAL.

16. The Superintendent or any person thereunto authorized in writing by him for any purpose relating to the administration of this Act may, at any reasonable time, Inspection and audit.

- (a) inspect or audit any books, records, writings or other documents relating to any pension plan required by this Act to be filed by an employer for registration, or any securities or obligations in which pension fund moneys of any such plan are invested; and
- (b) require the employer, insurer or trustee under any such pension plan to furnish to him such information as the Superintendent deems necessary for the purpose of ascertaining whether the provisions of this Act or the regulations have been or are being complied with.

17. No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act or the regulations. No action against person withholding.

18. Where any provision of this Act or the regulations requires an amount to be withheld, deducted, paid or credited, any agreement or arrangement by the person on whom the requirement is imposed not to withhold, deduct, pay or credit that amount, is void. Void agreements.

19. (1) Where in the case of any amendment made to any pension plan required by this Act to be filed by an employer for registration, the amendment may reasonably be regarded as having been made in contemplation of the termination or winding-up of the plan, either immediately or in the future, with a view to avoiding payment of any pension benefit or other benefit for which the plan contractually provided at any time while the employer was required by this Act to ensure its compliance with the standards for registration, the amendment is subject to be declared void, in the manner provided in this section. Amendments.

(2) A judge of the Exchequer Court of Canada may, upon application to him by the Superintendent after such notice to the employer, insurer or trustee under a Application and declaration.

pension plan as the judge may direct, declare void any amendment to such pension plan that under subsection (1) is subject to be declared void, and thereupon, except as otherwise determined on appeal, if any, under subsection (3), the amendment shall be deemed to be and always to have been void for all purposes.

Appeal.

(3) An appeal lies to the Supreme Court of Canada from any declaration made under subsection (2), as from an interlocutory judgment pronounced by the Exchequer Court of Canada in an action described in subsection (1) of section 82 of the *Exchequer Court Act*.

Proceedings
on
declaration.

(4) Where any declaration has been made under subsection (2), except with the consent of the Superintendent no process or proceedings shall be taken or instituted in consequence of such declaration within the time limited for the bringing of any appeal therefrom under subsection (3) or while any such appeal remains to be disposed of.

OFFENCES AND PUNISHMENT.

Offences.

20.

- (1) Every person who
- (a) contravenes any provision of this Act or the regulations,
 - (b) to evade compliance with this Act or the regulations,
 - (i) destroys, alters, mutilates, secretes or otherwise disposes of any record, writing or other document,
 - (ii) makes, or assents to or acquiesces in the making of, any false or deceptive statement or any false or deceptive entry in any record, writing or other document, or
 - (iii) omits, or assents to or acquiesces in the omission, to furnish any material particular in any statement or in any record, writing or other document,
 - (c) prevents or obstructs, or attempts to prevent or obstruct, another person doing anything that such other person is authorized by or pursuant to section 16 to do, or, unless he is unable to do so, fails to do anything that he is required by or pursuant to that section to do, or
 - (d) being an employer, fails to pay to the administrator of a pension plan all amounts that under this Act he is liable so to pay,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term

not exceeding 6 months, or to both such fine and imprisonment.

(2) No prosecution of an employer for an offence under this section, arising out of an alleged failure of the employer to ensure the compliance of a pension plan with the standards for registration, shall be instituted except after 60 days have elapsed from the day of mailing of the notification referred to in subsection (1) of section 14 to the employer, or while any objection or appeal taken or instituted by the employer pursuant to section 14 or 15 arising out of any action to which the notification relates remains to be disposed of. Limitation.

(3) In any prosecution for an offence under this section, a certificate purporting to be signed by the Superintendent or by any person on his behalf certifying that a copy of a pension plan or of an amendment to any such plan was not filed with the Superintendent as required by this Act, or certifying as to the registration of a pension plan, is admissible in evidence and in the absence of any evidence to the contrary is proof of the matters so certified. Evidence.

(4) A prosecution for an offence under this section may be commenced at any time within, but not later than, 5 years from the time when the subject matter of the prosecution arose. Time for commencement of prosecution.

(5) Where a corporation or other organization is guilty of an offence under this section, every officer, director or agent of the corporation or organization who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation or organization has been prosecuted or convicted therefor. Corporations and other organizations.

(6) An information or complaint under this section may be laid or made by any officer of the Department of Insurance, a member of the Royal Canadian Mounted Police or any person thereunto authorized in writing by the Minister and, where an information or complaint purports to have been made or laid under this section, it shall be deemed to have been made or laid by a person thereunto authorized in writing by the Minister and shall not be called into question for lack of authority of the informant or complainant except by the Minister or a person acting for him or Her Majesty. Information and complaints.

REGULATIONS.

- 21.** The Governor in Council may make regulations Regulations.
- (a) prescribing or defining anything that, by this Act, is to be or may be prescribed or defined by the regulations;

- (b) respecting methods and bases for computing pension benefits and pension benefit credits, and the values and commuted values of pension benefits;
- (c) respecting the variation of pension benefits by reference to any pension payable under the *Old Age Security Act*, the *Canada Pension Plan* or a provincial pension plan as defined by section 3 of the *Canada Pension Plan*;
- (d) prescribing the classes of securities and obligations, both qualitative and quantitative, in which pension fund moneys accumulated either before or after the qualification date may be invested, and governing the making of such investments;
- (e) respecting the fees that may be charged for the registration of pension plans and for the supervision including inspection and audit of registered pension plans by the Superintendent;
- (f) prescribing the conditions under which, upon termination of an employee's service under a pension plan or upon the termination or winding-up of a pension plan, pension benefit credits may be held in trust by the administrator of the pension plan, or transferred to the administrator of another pension plan or of a registered retirement savings plan or to the agency referred to in paragraph (c) of section 5;
- (g) providing for, regulating and governing the disposition of the assets of a pension plan that is terminated or wound up; and
- (h) generally, respecting any other matter the making of regulations in relation to which is deemed by the Governor in Council to be necessary for carrying out the purposes and provisions of this Act.

REPORT TO PARLIAMENT.

Annual
report.

22. The Superintendent shall, as soon as possible after the end of each year, prepare and submit to the Minister a report on the administration and operation of this Act during that year, and the Minister shall cause such report to be laid before Parliament forthwith upon the receipt thereof by him if Parliament is then sitting, or if Parliament is not then sitting, on any of the first 15 days next thereafter that Parliament is sitting.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 93

An Act respecting Savings Banks in the
Province of Quebec.

[Assented to 23rd March, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Quebec Savings Banks Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | Definitions. |
|---|-------------------------|
| (a) "bank" means a bank to which this Act applies; | "Bank." |
| (b) "chartered bank" means a bank to which the <i>Bank Act</i> applies; | "Chartered bank." |
| (c) "district of Montreal" means the area in the Province of Quebec included in the judicial districts of Montreal, Hull, Pontiac, Témiscamingue, Terrebonne, Joliette, Labelle, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville and Beauharnois, as constituted at the coming into force of this Act; | "District of Montreal." |
| (d) "district of Quebec" means the area in the Province of Quebec included in the judicial districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Roberval, Nicolet, Gaspé, Bonaventure, Rimouski, Kamouraska, Montmagny, Beauce, Arthabaska, Abitibi and Rouyn-Noranda, as constituted at the coming into force of this Act; | "District of Quebec." |

"Goods,
wares and
merchan-
dise."

(e) "goods, wares and merchandise" means "goods, wares and merchandise" as defined in the *Bank Act*;

"Inspector."

(f) "Inspector" means the Inspector General of Banks appointed under the *Bank Act*;

"Minister."

(g) "Minister" means the Minister of Finance;

"Recorded
address."

(h) "recorded address" means

(i) in relation to a person as a shareholder, his last known post office address according to the register of shareholders of the bank, and

(ii) in relation to a person in any other respect, his last known post office address according to the records of the branch concerned; and

"Securities."

(i) "securities" includes

(i) bonds, debentures and obligations of or guaranteed by governments, corporations or unincorporated bodies, whether such corporations and unincorporated bodies are governmental, municipal, school, ecclesiastical, commercial or other, secured on real or personal, immovable or movable property or unsecured, and rights in respect of such bonds, debentures and obligations,

(ii) equipment trust certificates or obligations, and

(iii) all documents, instruments and writings commonly known as securities,

whether issued within or outside Canada, but does not include shares of capital stock of corporations or rights in respect of such shares.

Public
notice.

3.

(1) Where by this Act any public notice is required to be given, the notice shall, unless otherwise specified, be given by publishing the notice in one or more newspapers published at the place where the head office of the bank is situated; and the notice shall be published in both the English and French languages.

Sufficiency of
publication.

(2) Where by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during the period in a newspaper published more frequently, is a sufficient publication for the purposes of this Act.

Notice of
call.

(3) Where by this Act notice of any call is required to be given to the shareholders the notice is, unless otherwise specified, sufficiently given by mailing the notice registered and post paid, to the recorded address of the

respective shareholders at least thirty days prior to the day on which the call is payable.

APPLICATION.

- 4.** This Act applies to
- (a) The Montreal City and District Savings Bank, and
 - (b) La Banque d'Économie de Québec, The Quebec Savings Bank.
- Banks to which Act applies.

CHARTERS.

- 5.** The charter of each bank is continued. Charters continued.
- 6.** Subject to this Act,
- (a) if Parliament sits on at least twenty days during the month of June, 1977, the bank may carry on the business of banking until the 1st day of July, 1977, and no longer; and
 - (b) if Parliament does not sit on at least twenty days during the month of June, 1977, the bank may carry on the business of banking until the sixtieth sitting day of Parliament next thereafter, and no longer.
- Duration of authority to carry on business.
- 7.** The provisions of the charter of the bank are inapplicable Inconsistencies in charter.
- (a) to the extent that there is any inconsistency between the provisions of the charter and the provisions of this Act; and
 - (b) in respect of any matter for which provision is made by this Act.
- 8.** (1) The head office of The Montreal City and District Savings Bank shall be in the City of Montreal and the bank may open branches within the district of Montreal. Head office.
- (2) The Montreal City and District Savings Bank may carry on business pursuant to this Act under that name and under the name "La Banque d'Épargne de la Cité et du District de Montréal". Alternate name.
- 9.** (1) The head office of La Banque d'Économie de Québec, The Quebec Savings Bank, shall be in the City of Quebec and the bank may open branches within the district of Quebec. Head office.
- (2) La Banque d'Économie de Québec, The Quebec Savings Bank, may carry on business pursuant to this Act under that name and under the names Alternate names.

- (a) La Banque d'Économie de Québec, and
- (b) The Quebec Savings Bank.

INTERNAL REGULATIONS.

Shareholders.

By-laws.

10. (1) Subject to this Act, the shareholders of the bank may make by-laws with respect to the following matters, namely:

- (a) the day upon which the annual general meeting of the shareholders shall be held, which shall be a day not more than fifteen months after the holding of the last annual general meeting;
- (b) the record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be produced and recorded prior to a meeting in order to entitle the holder to vote thereon;
- (c) the number of directors, which shall be not less than five, and the quorum thereof, which shall be not less than three;
- (d) the qualifications of directors;
- (e) the method of filling vacancies in the board of directors;
- (f) the time and proceedings for the election of directors in case of a failure of any election on the day appointed for it;
- (g) the remuneration of the chairman of the board, the president, vice-presidents and other directors;
- (h) the amount of discounts or loans that may be made to directors, either jointly or severally, or to any one person, or to any shareholder; and
- (i) the establishment of guarantee and pension funds for the officers and employees of the bank and corporations of which the bank owns all the issued and outstanding capital stock except the qualifying shares of directors, and the families of such officers and employees, and the making of contributions thereto out of the funds of the bank.

(2) By-laws authorized by this Act may be made by the shareholders at any annual general meeting or at any special general meeting duly called for the purpose.

(3) Until it is otherwise prescribed by by-law under this Act, the by-laws of the bank with respect to any matter set out in subsection (1), in force at the commencement of this Act, remain in force.

When by-laws may be made.

Existing by-laws continued.

Directors.

11. The bank shall be under the management of a board of directors elected or appointed in accordance with this Act. Management.

12. (1) A person is not eligible to be a director unless he holds as the absolute and sole owner thereof in his individual right and not as trustee or in the right of another at least five hundred fully-paid shares of the capital stock of the bank. Qualifications.

(2) At least three-quarters of the directors shall be Canadian citizens ordinarily resident in Canada. Canadian citizens.

(3) The election or appointment of any person as a director is void if the composition of the board of directors would as a result thereof fail to comply with subsection (2). Idem.

(4) After the first day of July, 1970, a person is not eligible to be elected or appointed a director if he has reached the age of seventy-five years. Age of directors.

13. (1) The directors shall be elected by the shareholders at the annual general meeting. Election of directors.

(2) The annual general meeting shall be held at the place where the head office of the bank is situated. Annual general meeting.

(3) Public notice of the annual general meeting shall be given by the directors by publishing the notice, for at least four weeks prior to the time of holding the meeting, in a newspaper published at the place where the head office of the bank is situated, and by mailing a copy of the notice to each shareholder at his recorded address at least twenty days prior to the time of holding the meeting. Notice.

(4) The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be the directors, but if at any election two or more persons have an equal number of votes, and there are not sufficient vacancies remaining in the board of directors to enable all the persons having an equal number of votes to be elected, the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the persons so having an equal number of votes shall be a director or directors. Who shall be directors.

14. Where an election of directors is not made on the day appointed for that purpose, the election may take place on any other day, according to the by-laws, and, subject to this Act, the directors in office on the day appointed for the election of directors remain in office until new directors are elected or appointed. Postponed elections.

Removal of
director.

15. (1) The shareholders may, at any special general meeting of the shareholders called for the purpose, remove any director.

Disqualifi-
cation of
director.

- (2) A director ceases to be a director if
- (a) he ceases to fulfil the requirements of subsection (1) of section 12 with respect to holdings of stock;
 - (b) he becomes insolvent, or makes an assignment for the benefit of his creditors, or absents himself, without the consent of the board for twelve consecutive months from the meetings of the directors, or is convicted of an indictable offence; or
 - (c) he ceases to be a Canadian citizen ordinarily resident in Canada and as a result thereof the composition of the board of directors ceases to comply with subsection (2) of section 12.

Election of
officers.

16. (1) The directors shall elect by ballot from their number a president and one or more vice-presidents.

Chairman
of the
board.

(2) The directors may elect by ballot from their number a chairman of the board of directors.

Termination
of office.

(3) A person elected to an office under this section ceases to hold that office if he ceases to be a director.

Filling of
vacancies.

17. (1) Where a vacancy occurs in the board of directors, it shall be filled in the manner prescribed in the by-laws.

Canadian
citizens.

(2) Where by reason of a vacancy in the board of directors the composition of the board fails to comply with subsection (2) of section 12, the directors shall, if the vacancy has not within sixty days of the occurrence thereof been filled under subsection (1), forthwith fill the vacancy.

Power of
remainder
to act.

(3) A vacancy in the board of directors does not impair the right of the remaining directors to act.

President
and vice-
president.

18. When a vacancy occurs in the office of the president or vice-president, the directors shall from their number elect a president or a vice-president.

Meetings of
directors.

19. (1) The chairman of the board, if any, or in his absence, the president, or in their absence, a vice-president, shall preside at all meetings of the directors.

Temporary
chairman.

(2) Where at any meeting of the directors, the chairman of the board, if any, the president and all vice-presidents are absent, one of the directors present, chosen to act *pro tempore*, shall preside.

Casting vote.

(3) The person presiding pursuant to this section has a vote as a director, and if there is an equal division on any question, also has a casting vote.

20. (1) The directors shall administer the affairs of the bank and may make by-laws with respect to any matter except a by-law increasing the aggregate of the amounts, fixed by a shareholders' by-law, to be paid to the chairman of the board, the president, vice-president and other directors as remuneration.

General powers of directors.

(2) Subject to subsection (3), where a by-law made under subsection (1) provides for a matter that the shareholders may provide for by by-law, the by-law, to the extent that it so provides, ceases to have effect at the conclusion of the annual general meeting of the shareholders next ensuing after it is made unless it is confirmed by the shareholders.

Confirmation of directors' by-laws.

(3) Where a special general meeting, called for the purpose of confirming a by-law made under subsection (1) or called for that and any other purpose, is held before the next following annual general meeting, the by-law ceases to have effect at the conclusion of the special general meeting unless it is confirmed at that special general meeting, and subsection (2) does not apply to a by-law that is so confirmed.

Idem.

(4) Subject to subsections (2) and (3), until it is otherwise prescribed by by-law under this Act, the by-laws made by the directors with respect to any matter with respect to which they may make by-laws under this section, in force at the commencement of this Act, remain in force.

Existing by-laws continued.

21. (1) The directors may appoint as many officers and employees as they consider necessary for carrying on the business of the bank, and may authorize any officer of the bank to make such of these appointments as they may deem expedient.

Appointment of officers and employees.

(2) Officers and employees appointed under subsection (1) may be paid such salaries and allowances as the directors or appointing officer determine.

Salaries.

Meetings of Shareholders.

22. A special general meeting of the shareholders of the bank may be called at any time by

Special general meetings.

- (a) the directors of the bank or any four of them; or
- (b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies, who are together owners of at least one-tenth of the paid-up capital stock of the bank;

and the directors or shareholders shall give public notice of the meeting at least six weeks prior thereto, specifying therein the object of the meeting, and the meeting shall be held at the place where the head office of the bank is situated.

One vote
for each
share.

23. (1) Subject to this Act, every shareholder has, on all occasions on which the votes of the shareholders are taken, one vote for each share held by him for at least ninety days immediately before the time of the meeting.

Ballot.

(2) In all cases where the votes of the shareholders are taken, the voting shall be by ballot.

Majority to
determine.

(3) All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes of the shareholders present or represented by proxy.

Casting
vote.

(4) The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there is a tie, in which case, except as to the election of a director, he has a casting vote.

Joint
holders of
shares.

(5) Subject to this Act, where two or more persons are joint holders of shares, any one of the joint holders may be authorized, by power of attorney from the other joint holder or holders, or a majority of them, to represent the shares and to vote accordingly.

Proxies.

(6) Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy.

Idem.

(7) Neither the general manager nor any officer or employee subordinate to the general manager shall hold a proxy for the purpose of voting.

Calls must
be paid
before voting.

(8) No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors that are then due and payable.

CAPITAL STOCK.

Capital
stock.

- 24.** (1) Subject to section 25,
(a) the authorized capital stock of The Montreal City and District Savings Bank is three million dollars divided into shares of one dollar each, and
(b) the authorized capital stock of La Banque d'Économie de Québec, The Quebec Savings Bank, is one million dollars divided into shares of one dollar each.

Par value
of registered
shares.

(2) The registered owner of each share of ten dollars each of the capital stock of each of the said banks shall be deemed to be the registered owner of ten shares of one dollar each.

Increase of
capital.

25. (1) The authorized capital stock of the bank may be increased by by-law of the shareholders.

(2) No by-law under this section comes into operation or has force or effect until approved by the Governor in Council. Approval by Governor in Council.

(3) No approval shall be given by the Governor in Council under subsection (2) unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Governor in Council that a copy of the by-law, together with notice of intention to apply for the approval, has been published for at least four weeks in the *Canada Gazette*, and in one or more newspapers published at the place where the head office of the bank is situated. Conditions for approval.

(4) Nothing in this section shall be construed to prevent the Governor in Council from refusing to approve a by-law under this section. Governor in Council may refuse.

26. Any of the original unsubscribed capital stock or of the increased capital stock shall be offered to the persons who are shareholders according to the books of the bank, pro rata, at such price not less than par, at such time and on such terms as the directors determine, except that Offer of shares of capital stock.

- (a) the price of the stock shall be paid in money;
- (b) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price every thirty days;
- (c) no share need be offered to a shareholder whose recorded address is in a country outside Canada, where, to the knowledge of the directors, the offer ought not to be made unless the appropriate authority in that country is furnished with information other than that contained in the statement submitted to the shareholders at the last annual general meeting and in any return under section 91 made by the bank after that meeting and more than sixty days before the date of the offer but the directors may offer shares to such a shareholder or may in lieu of such an offer provide for him such rights in respect of shares as the directors determine, and such offers of shares or provision of rights may, subject to paragraphs (a), (b), (d) and (e), be on terms different except as to price from those of the offer to or provision for shareholders whose recorded addresses are elsewhere than in such country;
- (d) no share shall be offered to a shareholder from whom a subscription for a share could not,

- by reason of paragraph (a) or (b) of subsection (4) of section 46, be accepted by the bank; and
- (e) no fraction of a share shall be offered and no rights in respect of a fraction of a share shall be provided.

Notice of offer.

27. The offer shall be mailed to the shareholder at his recorded address and the directors shall, in the offer, fix a date, not earlier than the thirtieth day after the day on which the offer is mailed, by which the offer is to be accepted by the shareholder or, unless the directors have prohibited the transfer of the rights under the offer, by any transferee thereof.

Disposal of shares.

28. Where, under section 26,

(a) shares are offered but not subscribed for or rights in respect of shares are provided but not exercised, or

(b) shares or fractions of shares are not offered and rights in respect thereof are not provided,

the shares may, subject to this Act, be disposed of in such manner and on such terms as the directors determine, except that no share shall be sold at less than par.

Distribution of proceeds.

29. If the average net proceeds per share of the disposal of shares under section 28 exceeds the price per share fixed by the directors under section 26, there shall be paid,

- (a) to each shareholder to whom shares were offered but not subscribed for or for whom rights in respect of shares were provided but not exercised, the amount of such excess multiplied by the number of such shares;
- (b) to each shareholder to whom shares were not offered by reason of paragraph (c) or (d) of section 26 and for whom rights in respect of shares were not provided in lieu thereof, the amount of such excess multiplied by the number of such shares; and
- (c) to each shareholder to whom a fraction of a share was not offered and for whom rights in respect of a fraction of a share were not provided by reason of paragraph (e) of section 26, the amount of such excess multiplied by such fraction.

Stock books.

30. For the purpose of disposing of shares under section 26, 28 or 29, the directors shall cause stock books to be opened at the head office of the bank and elsewhere in their discretion and each person acquiring shares who, prior

to the time of acquisition, is not a shareholder shall, at that time, give his post office address and this shall appear in the stock books in connection with the name of the person and the number of shares acquired.

SHARES AND CALLS.

31. The shares of the capital stock of the bank are personal property. Shares personality.

32. (1) The directors may make such calls of money from the several shareholders for the time being, upon the amounts remaining unpaid in respect of the shares subscribed for by them respectively, as they find necessary. Calls on shares.

(2) Any number of calls may be made by one resolution. Number.

(3) Calls shall be payable at intervals of not less than thirty days. Time of payment.

(4) Notice of calls shall be given to the shareholders. Notice.

(5) Subject to this Act, no call shall exceed ten percent of the amount subscribed in respect of each share. Amount.

33. (1) Where any part of the paid-up capital is lost, the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders in an amount equal to the amount of the loss or the amount of the subscription price of the stock remaining unpaid, whichever is the lesser. Calls when capital lost.

(2) The directors shall forthwith report to the Minister the amount of any loss to which this section refers and the calls, if any, made in respect thereof. Report to Minister.

34. In case of the non-payment of a call or of an instalment under a subscription for shares, the directors may, in the name of the bank, sue for and recover the amount of the call or instalment, or may declare the shares in respect of which default is made to be forfeited to the bank in accordance with section 35. Recovery of calls.

35. (1) Where a shareholder fails to pay an instalment or call upon his shares of the capital stock of the bank when it is due, and thereafter fails to make the payment on or before a day fixed in a notice directed to him in accordance with the by-laws or a resolution of the directors, the directors may, by resolution, declare forfeited the shares in respect of which the payment is in default. Forfeiture of shares.

(2) Shares declared forfeited under subsection (1) become, by such declaration, the property of the bank, Sale of forfeited shares.

and the directors shall, before the expiry of six months from the declaration, sell them to such persons, in such manner and on such terms as they may determine.

Liability of
former
shareholder.

(3) Notwithstanding the forfeiture of shares under this section, the shareholder who immediately prior to the forfeiture was the holder of the shares, continues to be liable to the bank for the amount of the subscription price of the shares that was unpaid at the time of forfeiture, less such amounts as are subsequently received by the bank in respect of the shares.

Recovery
by action.

36. In any action brought to recover any money due on any instalment or call, it is not necessary to set forth the special matter in the declaration or statement of claim, but it is sufficient to allege that the defendant is the holder of one share or more, as the case may be, of the capital stock of the bank, and that he is indebted to the bank for instalments or calls upon such share or shares, in the sum to which the instalments or calls amount, as the case may be, stating the amount and number of the instalments or calls, and it is not necessary, in any such action, to prove the appointment of the directors.

TRANSFER AND TRANSMISSION OF SHARES.

Shares trans-
ferable.

37. (1) Shares of the capital stock of the bank are transferable in such manner and subject to such conditions as are prescribed by this Act or by by-law.

Fractions.

(2) No fraction of a share is transferable.

Register of
shareholders.

38. (1) The bank shall keep in Canada a register of shareholders recording the names and post office addresses of its shareholders and the number of shares held by each.

Register of
transfers.

(2) The bank shall keep a register or registers of transfers in which transfers of shares may be made or recorded and transmissions of shares may be recorded in accordance with such provisions in respect thereof as the directors may see fit to make.

Extract
from
register of
shareholders.

(3) The bank shall keep on record at each place where a register of transfers of the bank is kept, an extract from the register of shareholders showing, as at a date not more than four months earlier,

- (a) the name of each shareholder who holds shares of the capital stock of the bank having an aggregate par value of more than five thousand dollars;
- (b) the place of the recorded address of each such shareholder; and
- (c) the number of shares held by him.

(4) A register of transfers and an extract from the register of shareholders referred to in subsection (3) may, during banking hours, be inspected by any shareholder or by his representative authorized in writing.

Inspection
of register
and extract.

(5) The directors may discontinue any register of transfers, but there shall be at least one register of transfers in Canada.

Discontinu-
ance of
register of
transfers.

(6) The directors may appoint agents for the keeping of the register of shareholders and any register of transfers and the making of entries therein.

Agents.

39. Unless otherwise provided by by-law, no transfer of shares of the capital stock of the bank is valid unless

Transfer of
shares.

(a) it is made in a register of transfers of the bank; and

(b) the person making the transfer has, if required by the bank, previously discharged all his debts and liabilities to the bank that exceed in amount the then market value of the remaining shares, if any, belonging to such person.

40. (1) Unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, all sales or transfers of shares, and all contracts and agreements in respect thereof, made or purporting to be made, are null and void if the person making the sale or transfer, or the person in whose name or on whose behalf the sale or transfer is made, at the time of the sale or transfer

Require-
ments
for valid
transfer.

(a) is not the registered owner in the books of the bank of the share or shares so sold or transferred, or intended or purporting to be sold or transferred; or

(b) has not the registered owner's assent to the sale or transfer.

(2) Nothing in subsection (1) affects the rights and remedies, under any contract of sale that does not comply with the conditions and requirements mentioned in that subsection, of any purchaser who has no knowledge of such non-compliance.

Purchaser's
rights
preserved.

41. (1) Where under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, no transfer of shares is, until it has been duly recorded in a register of transfers of the bank, valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and if absolute of rendering any transferee jointly and severally liable with the transferor to the bank and its creditors.

Transfer to
be recorded.

Delivery of
certificate
a valid
transfer.

(2) Notwithstanding subsection (1), the delivery of a certificate for fully paid shares the transfer of which need not be made in the books of the bank, with a duly executed transfer endorsed thereon or delivered therewith, constitutes a valid transfer of the shares comprised therein, if such shares are listed on any recognized stock exchange at the time of such delivery, but, until the transfer of the shares has been duly recorded in a register of transfers of the bank, the bank shall treat the registered holder of the shares as being solely entitled to receive notice of and to vote at meetings of shareholders and to receive any payment in respect of such shares whether by way of dividend or otherwise.

Sale of
shares under
process.

42. (1) When a share of the capital stock of the bank has been sold under a writ of execution or under the decree, order or judgment of a court, the transfer of the share from the registered holder thereof to the purchaser at the sale shall be recorded in a register of transfers of the bank but only after receipt by the bank of an attested copy of the writ, decree, order or judgment bearing a certificate signed by the officer who conducted the sale certifying to whom the sale was made, or other evidence satisfactory to the bank of the sale and the identity of the purchaser, and after the discharge of all debts and liabilities to the bank of the registered holder of the share and of all liens thereon in favour of the bank and, where under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, after surrender to the bank of the certificate for the share.

Effect of
recording
sale under
process.

(2) Where it is necessary that transfers of shares of its capital stock be made in the books of the bank, a transfer recorded in accordance with subsection (1) shall have the same effect as though it were a valid transfer made in the books of the bank by the registered holder of the share.

Transmission
of share by
operation of
law.

43. (1) Where the transmission of a share of the capital stock of the bank takes place by operation of law otherwise than because of the death of a shareholder, the bank shall be furnished with an affidavit or declaration in writing in form satisfactory to it signed by or on behalf of a person claiming under the transmission stating the nature and effect of the transmission together with any corroborative evidence that the bank may request, and where under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, with the certificate for the share, and

thereupon the transmission shall be recorded in a register of transfers of the bank.

(2) Until the transmission has been recorded in a register of transfers of the bank, no person claiming a share by virtue thereof is entitled to receive notice of or vote at meetings of shareholders or to receive any payment in respect of such share whether by way of dividend or otherwise.

Exercise of
rights as
shareholder.

44. (1) Where the transmission of a share of the capital stock of the bank takes place because of the death of a shareholder, the delivery to the bank

Transmission
by decease.

(a) of an affidavit or declaration in writing in form satisfactory to the bank signed by or on behalf of a person claiming by virtue of the transmission stating the nature and effect of the transmission,

(b) when the claim is based on

(i) a will or other testamentary instrument or on a grant of probate thereof or on such a grant and letters testamentary or other document of like import or on a grant of letters of administration or other document of like import, purporting to be issued by any court or authority in Canada or elsewhere, of an authenticated copy or certificate thereof under the seal of the court or authority without proof of the authenticity of the seal or other proof, or

(ii) a notarial will, of an authenticated copy thereof, and

(c) if under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank, of the certificate for the share,

is sufficient justification and authority for paying any dividend and for recording and giving effect to the transmission in accordance with the claim; but nothing in this subsection shall be construed to prevent the bank from refusing to record or give effect to a transmission until there has been delivered to the bank such documentary or other evidence of or in connection with the transmission as it may deem requisite.

(2) Until the transmission has been recorded in a register of transfers of the bank, no person claiming a share by virtue thereof is entitled to receive notice of or vote at meetings of shareholders or to receive any payment in respect of such share whether by way of dividend or otherwise.

Exercise of
rights of
claimants.

Definitions.

"Agent."

45.

(1) In this section and sections 46 to 49,

(a) "agent" means

(i) in relation to Her Majesty in right of Canada or in right of a province, any agent of Her Majesty in either such right and includes a municipal or public body empowered to perform a function of government in Canada or any corporation empowered to perform a function or duty on behalf of Her Majesty in either such right, but does not include an official or corporation performing a function or duty in connection with

(A) the administration or management of the estate or property of an individual, or

(B) the administration, management or investment of a fund established to provide compensation, hospitalization, medical care, annuity, pension or similar benefits to particular classes of individuals, or moneys derived from such a fund, and

(ii) in relation to the government of a foreign state or any political subdivision thereof, a person empowered to perform a function or duty on behalf of the government of a foreign state or any political subdivision thereof other than a function or duty in connection with the administration or management of the estate or property of an individual;

"Corporation."

(b) "corporation" includes an association, partnership or other organization;

"Non-resident."

(c) "non-resident" means

(i) an individual who is not ordinarily resident in Canada,

(ii) a corporation incorporated, formed or otherwise organized, elsewhere than in Canada,

(iii) the government of a foreign state or any political subdivision thereof, or an agent of either,

(iv) a corporation that is controlled directly or indirectly by non-residents as defined in any of subparagraphs (i) to (iii),

(v) a trust

(A) established by a non-resident as defined in any of subparagraphs (ii) to

(iv) other than a trust for the administration of a pension fund for the benefit of individuals a majority of whom are residents, or

(B) in which non-residents as defined in any of subparagraphs (i) to (iv) have more than fifty per cent of the beneficial interest, or

(vi) a corporation that is controlled directly or indirectly by a trust defined in subparagraph (v) as a non-resident; and

(d) "resident" means an individual, corporation or trust that is not a non-resident. "Resident."

(2) For the purposes of sections 46 to 49, a shareholder is, except as provided by subsection (6), deemed to be associated with another shareholder if Associated shareholder.

(a) one shareholder is a corporation of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a corporation that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are corporations and one shareholder is controlled directly or indirectly by the same government in Canada, foreign government or individual or corporation that controls the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of the bank;

(f) both shareholders are agents of Her Majesty in right of Canada or officials or corporations performing on behalf of Her Majesty in such right a function or duty in connection with the administration, management or investment of any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1);

(g) both shareholders are agents of Her Majesty in right of the same province or officials or corporations performing on behalf of Her Majesty in right of that province a function or duty in connection with the administration, management or investment of any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1); or

- (h) both shareholders are associated within the meaning of paragraphs (a) to (g) with the same shareholder.

Meaning of
"share-
holder" and
shares being
held.

(3) For the purposes of this section and sections 46 to 49, a "shareholder" is a person who according to the books of the bank is the holder of one or more shares of the capital stock of the bank and a reference in sections 46 to 49 to a share being held by or in the name of any person is a reference to his being the holder of the share according to the books of the bank.

Shares held
jointly.

(4) For the purposes of sections 46 to 49, where a share of the capital stock of the bank is held jointly and one or more of the joint holders thereof is a non-resident, the share is deemed to be held by a non-resident.

Change of
status of
resident
corporation
or trust.

(5) Where after the coming into force of this Act a corporation or trust that was at any time a resident becomes a non-resident, any shares of the capital stock of the bank acquired by the corporation or the trust while it was a resident and held by it while it is a non-resident shall be deemed, for the purposes of sections 46 and 47, to be shares held by a resident for the use or benefit of a non-resident.

Exceptions.

(6) Notwithstanding subsection (2)

- (a) where one shareholder who is a resident and who, but for this paragraph, would be deemed to be associated with another shareholder submits to the bank a declaration stating that none of the shares of the capital stock of the bank held by him or to be held by him is or will be, to his knowledge, held in the right of, or for the use or benefit of, himself or any person with whom, but for this paragraph, he would be deemed to be associated, neither shareholder is deemed to be associated with the other so long as the shares of the capital stock of the bank from time to time held by the shareholder who made the declaration are not held contrary to the statements made in the declaration;
- (b) two shareholders that are corporations and at least one of which is a resident, shall not be deemed to be associated with each other by virtue of paragraph (h) of subsection (2) by reason only that each is deemed under paragraph (a) of that subsection to be associated with the same shareholder; and
- (c) where it appears from the register of shareholders of the bank that the total par value of the shares of the capital stock of the bank held

by a shareholder is not more than five thousand dollars, he shall not be deemed to be associated with any other shareholder and no other shareholder shall be deemed to be associated with him.

46. (1) The bank shall refuse to allow a transfer of a share of the capital stock of the bank to a non-resident to be made or recorded in a register of transfers of the bank

Limit on shares held by non-residents.

- (a) if, when the total number of shares of the capital stock of the bank held by non-residents exceeds twenty-five per cent of the total number of the issued and outstanding shares of such stock, the transfer would increase the percentage of such shares held by non-residents; or
- (b) if, when the total number of shares of the capital stock of the bank held by non-residents is twenty-five per cent or less of the total number of the issued and outstanding shares of such stock, the transfer would cause the total number of such shares held by non-residents to exceed twenty-five per cent of the total number of the issued and outstanding shares of such stock.

(2) The bank shall refuse to allow a transfer of a share of the capital stock of the bank to any person, including, without restricting the generality of the foregoing, an official or corporation mentioned in clause (B) of subparagraph (i) of paragraph (a) of subsection (1) of section 45, to be made or recorded in a register of transfers of the bank.

Limit on shares held by any person.

- (a) if, when the total number of shares of the capital stock of the bank held by such person and by other shareholders associated with him, if any, exceeds ten per cent of the total number of the issued and outstanding shares of such stock, the transfer would increase the percentage of such shares held by such person and by other shareholders associated with him, if any; or
- (b) if, when the total number of shares of the capital stock of the bank held by such person and by other shareholders associated with him, if any, is ten per cent or less of the total number of the issued and outstanding shares of such stock, the transfer would cause the total number of such shares held by such person and by other shareholders associated with

No shares
to be trans-
ferred to a
government.

him, if any, to exceed ten per cent of the issued and outstanding shares of such stocks.
(3) The bank shall refuse to allow a transfer of a share of the capital stock of the bank to

(a) Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right, or

(b) the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof,

to be made or recorded in a register of transfers of the bank.

Issue of
shares.

(4) The bank shall not accept a subscription for a share of the capital stock of the bank

(a) by Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right or by the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof;

(b) by any person if, at the time the share is subscribed for, the total number of shares of the capital stock of the bank held by such person and by other shareholders associated with him, if any, exceeds ten per cent of the total number of the issued and outstanding shares of such stock; or

(c) except as otherwise provided in subsection (5), in other circumstances where if the subscription were a transfer of the share the bank would be required under subsection (1) or (2) to refuse to allow the transfer to be made or recorded; but in the case of a subscription pursuant to an offer under section 26 the bank may count as shares issued and outstanding all the shares included in the offer.

Conditional
offer of
shares.

(5) Subject to paragraphs (a) and (b) of subsection (4), where an offer of shares of the capital stock of the bank is made under section 26, the bank may accept any subscription

(a) if the terms of the offer contain provisions to the effect that in the case of a share offered to a shareholder whose recorded address, at the time fixed for determining the shareholders to whom the offer is made, is a place within Canada and who is not at that time, to the knowledge of the bank, a non-resident, a

subscription will not be accepted if the share is to be recorded in the name of a non-resident;

- (b) if the subscription is accompanied by a declaration by the subscriber

(i) as to whether the person in whose name the share is to be recorded is a resident or a non-resident, and

(ii) to the effect that the total number of shares of the capital stock of the bank that will, if the subscription is accepted, be held by such person and by other shareholders associated with him, if any, will not exceed ten per cent of the total number of the shares of the capital stock of the bank that will be issued and outstanding on the issue of all shares included in the offer; and

- (c) if, on the basis of such declaration, the acceptance of the subscription is not contrary to the terms of the offer.

(6) Notwithstanding subsections (1) and (2), the bank may allow a transfer of any share of the capital stock of the bank to be made or recorded in a register of transfers where the transfer is from a resident to a non-resident and it is shown to the bank on evidence satisfactory to it that the share was on the 22nd day of September, 1964, held by the resident in the right of or for the use or benefit of the non-resident.

Transfers by nominees.

(7) Default in complying with the provisions of this section does not affect the validity of a transfer of a share of the capital stock of the bank that has been made or recorded in a register of transfers of the bank or the validity of the acceptance of a subscription for a share of the capital stock of the bank.

Saving.

47. (1) Notwithstanding section 23, and except as provided in section 49, where a resident holds shares of the capital stock of the bank in the right of, or for the use or benefit of, a non-resident, the resident shall not, in person or by proxy, exercise the voting rights pertaining to those shares.

Voting by resident nominees of non-residents prohibited.

(2) Notwithstanding section 23, and except as provided in section 49, where the total of

Suspension of voting rights.

- (a) the number of shares of the capital stock of the bank held in the name or right of or for the use or benefit of a person, and

- (b) the number of shares of the capital stock of the bank held in the name or right of or for the use or benefit of

- (i) any shareholders associated with the person mentioned in paragraph (a), or
- (ii) any other person who would be deemed under subsection (2) of section 45 to be associated with the person mentioned in paragraph (a), if both he and such other person were shareholders,

exceeds ten per cent of the issued and outstanding shares of such stock,

- (c) no person shall, in person or by proxy, exercise the voting rights pertaining to any of the shares referred to in paragraph (a) that are held in the name of a resident, and
- (d) no person shall, in person or as proxy, exercise the voting rights pertaining to any of the shares referred to in paragraph (a) that are held in the name of a non-resident.

(3) Notwithstanding section 23, and except as provided in section 49, the voting rights pertaining to any shares of the capital stock of the bank shall not be exercised when the shares are held in the name or right of or for the use or benefit of

- (a) Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right;
- (b) the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof; or
- (c) an official or corporation administering, managing or investing any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1) of section 45.

(4) Where it appears from the register of shareholders of the bank that the total par value of the shares of the capital stock of the bank held by a shareholder is not more than five thousand dollars, a person acting as proxy for the shareholder at a general meeting of the bank is entitled to assume that the shareholder holds the shares in his own right and for his own use and benefit, unless the knowledge of the person acting as proxy is to the contrary.

(5) If any provision of this section is contravened at a general meeting of the shareholders of the bank, no proceeding, matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within nine months from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the share-

Voting
rights of
shares held
by govern-
ment.

Presumption
by person
acting as
proxy.

Effect of
contra-
vention.

holders by a resolution passed at a special general meeting of the shareholders.

48. (1) The directors may make such by-laws as they deem necessary to carry out the intent of sections 45 to 49 and in particular, but without restricting the generality of the foregoing, the directors may make by-laws By-laws.

(a) requiring any person in whose name a share of the capital stock of the bank is held to submit a declaration

(i) with respect to the ownership of such share,

(ii) with respect to the place in which the shareholder and any person in whose right or for whose use or benefit the share is held are ordinarily resident,

(iii) whether the shareholder is associated with any other shareholder, and

(iv) with respect to such other matters as the directors may deem relevant for the purposes of sections 45 to 49;

(b) requiring any person desiring to have a transfer of a share to him made or recorded in a register of transfers of the bank or desiring to subscribe for a share of the capital stock of the bank to submit such a declaration as may be required pursuant to this section in the case of a shareholder; and

(c) providing for the determination of the circumstances in which any declarations shall be required, their form and the times at which they are to be submitted.

(2) Where pursuant to any by-law made under subsection (1) any declaration is required to be submitted by any shareholder or person in respect of the transfer of or subscription for any share, the bank may refuse to allow such transfer to be made or recorded in a register of transfers of the bank or to accept such subscription without the submission of the required declaration. Where
declaration
pending.

(3) The bank and any person who is a director, officer, employee or agent of the bank, may rely upon any information contained in a declaration required by the bank pursuant to this section or any information otherwise acquired in respect of any matter that might be the subject of such a declaration; and no action lies against the bank or any such person for anything done or omitted in good faith in reliance upon any such information. Reliance
upon
information.

(4) Where for any of the purposes of section 46, the bank requires to establish the total number of shares Computing
non-resident
holdings.

of the capital stock of the bank held by non-residents, the bank may calculate the total number of such shares held by non-residents to be the total of

- (a) the number of shares held by all shareholders whose recorded addresses are places outside Canada; and
- (b) the number of shares held by all shareholders each of whose aggregate individual holdings of such shares has a par value of more than five thousand dollars and whose recorded addresses are places within Canada but who to the knowledge of the bank are non-residents;

and such calculation may be made as of a date not earlier than the day of commencement of this Act or four months before the day on which the calculation is made, whichever is the later date.

Limiting
transfers.

(5) Where by any calculation made under subsection (4) the total number of shares held by non-residents is under twenty-five per cent of the total issued and outstanding shares of the capital stock of the bank, the number of shares the transfer of which by residents to non-residents the bank may allow to be made or recorded in the registers of transfers of the bank shall be so limited as not to increase the total number of shares held by non-residents to more than twenty-five per cent of the total issued and outstanding shares of the capital stock of the bank.

Exception
for small
holdings.

(6) Notwithstanding subsections (1) and (2) of section 46, where in the case of a transfer of any shares of the capital stock of the bank to a transferee it appears that

- (a) the aggregate par value of all shares of the capital stock of the bank held by the transferee as shown by the register of shareholders of the bank at a date not more than four months earlier is not more than five thousand dollars, and
- (b) the aggregate par value of the shares included in the transfer and any shares acquired by the transferee after the date mentioned in paragraph (a) and still held by him as shown by the register of transfers of the bank in which it is sought to have the transfer made or recorded is not more than five thousand dollars,

the bank is entitled to assume that the transferee is not and will not be associated with any other shareholder and, unless the address to be recorded in the register of shareholders of the bank for the transferee is a place outside Canada, that he is a resident.

49.

- (1) In this section,
- (a) "associates of the non-resident" means, with reference to any particular day,
- (i) any shareholders associated with the non-resident on that day, and
 - (ii) any persons who would, under subsection (2) of section 45, be deemed to be shareholders associated with the non-resident on that day if both he and such persons were shareholders;
- (b) "associates of the resident" means, with reference to any particular day,
- (i) any shareholders associated with the resident on that day, and
 - (ii) any persons who would, under subsection (2) of section 45, be deemed to be shareholders associated with the resident on that day if both he and such persons were shareholders;
- (c) "prescribed day" means the 17th day of February, 1965;
- (d) "shares held by or for the non-resident and associates" means, with reference to any particular day, the aggregate number of shares held on that day in the name or right of or for the use or benefit of the non-resident and associates of the non-resident on that day;
- (e) "shares held by or for the resident and associates" means, with reference to any particular day, the aggregate number of shares held on that day in the name or right of or for the use or benefit of the resident and associates of the resident on that day.

Definitions.

"Associates of the non-resident."

"Associates of the resident."

"Prescribed day."

"Shares held by or for the non-resident and associates."

"Shares held by or for the resident and associates."

(2) Where at the commencement of the prescribed day the number of shares of the capital stock of the bank held in the name or right of or for the use or benefit of a resident together with the number of such shares, if any, held at the commencement of that day in the name or right of or for the use or benefit of any associates of the resident exceeded ten per cent of the number of shares of the capital stock of the bank at that time issued and outstanding, the voting rights pertaining to the shares held in the name or right of or for the use or benefit of the resident may, notwithstanding subsection (2) of section 47, be exercised, in person or by proxy, so long as the percentage of such shares held by or for the resident and associates does not exceed either the percentage of such shares held by or for the resident and associates at the commencement of the prescribed day or the smallest percentage of

Exception for individual resident and associate holdings.

such shares held by or for the resident and associates on any subsequent day; but this subsection shall not be construed to prohibit the exercise of voting rights in circumstances where section 47 does not apply.

Exception for individual non-resident and associate holdings.

(3) Where on the 22nd day of September, 1964, the number of shares of the capital stock of the bank held in the name or right of or for the use or benefit of a non-resident together with the number of such shares, if any, held on that day in the name or right of or for the use or benefit of any associates of the non-resident exceeded ten per cent of the number of shares of the capital stock of the bank at that time issued and outstanding, the voting rights pertaining to the shares held in the name or right of or for the use or benefit of the non-resident may, notwithstanding subsection (2) of section 47, be exercised, in person or by proxy, so long as the percentage of such shares held by or for the non-resident and associates does not exceed either the percentage of such shares held by or for the non-resident and associates on the 22nd day of September, 1964, or the smallest percentage of such shares held by or for the non-resident and associates on any subsequent day; but this subsection shall not be construed to prohibit the exercise of voting rights in circumstances where section 47 does not apply.

Transfers by nominees.

(4) Notwithstanding subsections (2) and (3) of section 46, the bank may allow a transfer of a share of the capital stock of the bank to be made or recorded in a register of transfers of the bank where the transfer is to

- (a) Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right,
- (b) the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof, or
- (c) a resident,

if it is shown to the bank on evidence satisfactory to it that the share was at the commencement of the prescribed day held in the right of or for the use or benefit of the transferee.

Voting rights on non-resident holdings acquired after 22nd September, 1964.

(5) If, at any time after the 22nd day of September, 1964, and before the coming into force of section 46, the bank allowed to be made or recorded in a register of transfers of the bank a transfer of any share of the capital stock of the bank to a non-resident that it would have been required to refuse under section 46 had that section come into force on the 23rd day of September, 1964, no person shall, in person or as proxy, exercise the voting rights

pertaining to such share until such time as the share is transferred to a resident, unless

- (a) the total par value of all shares of the capital stock of the bank held by the non-resident is not more than five thousand dollars, or
- (b) the percentage of the shares of the capital stock of the bank held by non-residents on the day of commencement of this Act does not exceed

- (i) twenty-five per cent, or
- (ii) the percentage of such shares held by non-residents on the 22nd day of September, 1964, if such percentage was on that day greater than twenty-five per cent,

and the total number of such shares held by or for the non-resident and associates does not exceed ten per cent of the total number of the issued and outstanding shares of the capital stock of the bank;

but nothing in this subsection shall be construed to permit any person to exercise the voting rights pertaining to a share of the capital stock of the bank that is held in the name of the government of a foreign state or any political subdivision thereof or an agent of the government of a foreign state or any political subdivision thereof, if the transfer of the share to the holder was made or recorded in a register of transfers of the bank on or after the prescribed day.

(6) Where at the commencement of the prescribed day any share of the capital stock of the bank was held in the name or right of or for the use or benefit of

- (a) Her Majesty in right of Canada or in right of a province or an agent of Her Majesty in either such right, or

- (b) an official or corporation administering, managing or investing any fund or moneys referred to in clause (B) of subparagraph (i) of paragraph (a) of subsection (1) of section 45,

the voting rights pertaining to the share so held may be exercised, in person or by proxy, so long as the share is held in such name or right or for such use or benefit.

(7) For the purposes of subsection (5), the total number of shares of the capital stock of the bank held by non-residents on the 22nd day of September, 1964, or on any day thereafter to and including the day of commencement of this Act, may be calculated, in respect of any of those days, in the same manner as the total

Shares held on prescribed day by government or fund.

Calculation of non-resident share-holders.

number of such shares may be calculated under subsection (4) of section 48.

SHARES SUBJECT TO TRUSTS.

Bank not
bound to
see to trusts.

50. The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its capital stock is subject.

Receipt.

51. Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of section 83, by some other person, the receipt of the person in whose name any share stands in the books of the bank or, if it stands in the names of more persons than one, the receipt of one of such persons is a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of the share, and the bank is not bound to see to the application of the money paid upon such receipt, whether given by one of such persons or all of them.

Executor
or trustee
not
personally
liable.

52. (1) No person holding shares of the capital stock of the bank as executor, administrator, guardian, trustee, tutor or curator

(a) of or for any estate, trust or person named in the books of the bank as being represented by him, or

(b) if the will or other instrument under or by virtue of which the shares are so held is named in the books of the bank in connection with such holding,

is personally subject to any liability as a shareholder for unpaid subscriptions for shares; but the estate and funds in his hands are liable in like manner and to the same extent as the testator, intestate, ward or person interested in such estate and funds would be, if living and competent to hold the shares in his own name.

*Cestui que
trust
liable.*

(2) Where the trust is for an individual or corporation, such individual or corporation is also liable as a shareholder to the extent of his or its respective interest in the shares.

Executor
or trustee
liable where
trust not
named.

(3) Where the estate, trust or person so represented, or will or other instrument, is not named in the books of the bank, the executor, administrator, guardian, trustee, tutor or curator is personally liable in respect of the shares as if he held them in his own name as owner thereof.

ANNUAL AND OTHER STATEMENTS.

Financial
year.

53. (1) The financial year of the bank shall end on the expiration of the 31st day of October in each year.

(2) At every annual general meeting of the shareholders, the outgoing directors shall submit a statement (hereinafter called the "annual statement"), which shall present fairly the financial position of the bank for the financial year immediately preceding the meeting, and shall contain

Statement
required
at annual
general
meeting.

- (a) a statement of assets and liabilities of the bank as at the end of the financial year, showing the information in the form specified in Schedule A and such additional information and particulars as in the opinion of the directors are necessary to present fairly the financial position of the bank;
- (b) a statement of revenue, expenses and undivided profits of the bank for the financial year, showing the information in the form specified in Schedule B and such additional information and particulars as in the opinion of the directors are necessary to present fairly the balance available for distribution of profits earned in the financial year; and
- (c) a statement of accumulated appropriations for losses of the bank for the financial year, showing the information in the form specified in Schedule C and such additional information and particulars as in the opinion of the directors are necessary to present fairly the amount of appropriations available to meet losses other than those for which specific provisions have been made.

- (3) The annual statement shall be signed
- (a) on behalf of the board of directors, by the president or a vice-president or two other directors, and

How
statement
signed.

- (b) by the general manager or a person duly authorized to sign in the place of the general manager.

(4) The Governor in Council may amend Schedules A, B and C.

Amendment
of Schedules.

54. The directors shall, in addition to the annual statement, submit to the shareholders such other statements of the affairs of the bank in such manner and at such times as the shareholders by by-law require.

Additional
statements.

SHAREHOLDERS' AUDIT.

55. (1) The affairs of the bank shall be audited by two auditors appointed in accordance with this section, each

Auditors.

of whom at the time of his appointment is an accountant who

Qualification.

- (a) is a member in good standing of an institute or association of accountants incorporated by or under the authority of the legislature of the Province of Quebec;
- (b) is ordinarily resident in Canada; and
- (c) has practised his profession in Canada continuously during the six consecutive years immediately preceding his appointment.

Appointment.

(2) The shareholders shall, at each annual general meeting, appoint two persons having the qualifications specified in subsection (1), but not being members of the same firm, to be the auditors of the bank until the next ensuing annual general meeting, but no person shall be so appointed if he or a member of his firm is a director, officer or employee of the bank.

Minister may revoke appointments.

(3) The Minister may at any time revoke the appointment of an auditor by notice in writing signed by the Minister and sent by registered mail addressed to the auditor at his usual place of business and shall at the same time furnish a copy thereof to the bank.

Dis-qualification.

- (4) An auditor ceases to hold office
- (a) on the day on which a notice is mailed to him under subsection (3); or
- (b) if he or a member of his firm becomes a director, officer or employee of the bank.

Vacancy.

(5) When a vacancy occurs in the office of auditor of a bank, the bank shall forthwith give notice thereof to the Minister, who shall appoint a person having the qualifications specified in subsection (1) to be an auditor of the bank until the next ensuing annual general meeting.

Remuneration.

(6) The shareholders shall, at the time they appoint the auditors, fix their remuneration, and when a vacancy occurs in the office of auditor and is filled under this section, the remuneration so fixed shall be divided, in such manner as the directors determine, amongst the person originally appointed or his legal representative, the continuing auditor and the person appointed to fill the vacancy.

Access to books, etc.

(7) The auditors of the bank have a right of access to the books, minutes, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank, and are entitled to require such information and explanations as they deem necessary for the performance of their duties as auditors.

Auditors to check cash and securities.

(8) In addition to any other audit and report required by this section the auditors shall, at least once during their term of office, check the cash and verify the

securities of the bank at the head office of the bank and, if they deem it advisable, at any branch of the bank.

(9) The Minister may require that the auditors of the bank shall report to him upon the adequacy of the procedure adopted by the bank for the safety of its creditors and shareholders, and as to the sufficiency of their own procedure in auditing the affairs of the bank.

Minister
may require
report on
procedure.

(10) The Minister may enlarge or extend the scope of the audit or direct any other or particular examination to be made or procedure established in the particular case as, in his opinion, the public interest may require, and the bank shall, in respect thereof, pay to the auditor such remuneration, in addition to that fixed under subsection (6), as the Minister allows.

Minister
may enlarge
audit.

(11) The auditors shall make a report to the shareholders on the statement of assets and liabilities, the statement of revenue, expenses and undivided profits and the statement of accumulated appropriations for losses of the bank to be submitted by the directors to the shareholders under section 53.

Report to
shareholders.

(12) The auditors' report shall state whether, in their opinion, the statements referred to in the report present fairly the financial position of the bank as at the end of the financial year, its revenue, expenses and undivided profits for the year and its accumulated appropriations for the year, and shall include such remarks as they consider necessary in any case where

Content of
report.

(a) they have not obtained all the information and explanations that they have required;

(b) the transactions of the bank that have come under their notice have not, in their opinion, been within the powers of the bank; or

(c) the statements referred to in their report are not as shown by the books of the bank.

(13) The auditors' report shall be attached to the annual statement submitted by the directors to the shareholders at the annual general meeting.

Submission
of report to
shareholders.

(14) At or after the annual general meeting any shareholder is entitled, on application, to be furnished by the directors with a copy of the statement and report submitted to the meeting, and a copy thereof shall be forwarded to the Minister within four weeks after the meeting.

Copies for
shareholders
and
Minister.

INSPECTION.

56. (1) The Inspector, from time to time, but not less frequently than once in each calendar year, shall make or cause to be made an examination and inquiry into the

Examination
and inquiry
into affairs
of banks.

affairs or business of the bank and report thereon to the Minister, and for such purposes the Inspector has and may exercise and perform all the rights, powers and duties given to him under the *Bank Act*.

Verification
of cash
reserve
returns.

(2) In addition to any report under subsection (1) the Inspector shall annually certify to the Minister and to the Governor of the Bank of Canada whether in his opinion the returns that have been submitted by the banks under section 92 are correct.

Powers of
commissioner under
Inquiries Act.

(3) The Inspector has all the powers conferred upon a commissioner appointed under Part II of the *Inquiries Act* for the purpose of obtaining evidence under oath, and may delegate such powers as occasion may require.

Expenses
to be re-
couped from
banks.

57. All salaries, remuneration and other expenses incidental to carrying out section 56 shall be paid out of such moneys as may be appropriated by Parliament therefor, and the Consolidated Revenue Fund shall be recouped after the end of each calendar year for such outlay by an assessment upon the banks based upon the average total assets of the banks, respectively, during the year, as shown by the monthly returns made by the banks to the Minister under section 91, and such assessment shall be paid by the banks.

No grant or
gratuity to
be made to
Inspector
or his
officers.

58. The Inspector or any other person appointed or employed under section 64 of the *Bank Act* shall not accept or receive, directly or indirectly, any grant or gratuity from a bank or from any director, officer or employee of a bank, and no bank and no director, officer or employee of a bank shall make or give any such grant or gratuity.

Secrecy.

59. The Inspector or any other person appointed or employed under section 64 of the *Bank Act* or any person to whom any powers are delegated under subsection (3) of section 56 shall not disclose to any other person, except the Minister, the Deputy Minister of Finance or the Governor of the Bank of Canada, or a representative of the latter if authorized by him in writing, any information regarding the business or affairs of a bank.

APPROPRIATIONS FOR LOSSES.

Report on
excess ap-
propriations.

60. (1) Where in the opinion of the Minister an amount set aside or reserved by the bank out of income, either by way of write-down of the value of assets or appropriation for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises or other contingencies, is in excess of

the reasonable requirements of the bank having regard to all the circumstances, the Minister shall notify the Minister of National Revenue of the amount so set aside and of the amount of such excess.

(2) Nothing in subsection (1) shall be construed to give the Minister any jurisdiction over the discretion of the directors of the bank with regard to amounts set aside, reserved or transferred to any reserve or other account from income upon which taxes have been assessed under any Act of the Parliament of Canada imposing a tax upon or in respect of income.

Discretion
of directors
not affected.

DIVIDENDS.

61. (1) Subject to this Act and the by-laws, the directors of the bank may declare a dividend of so much of the profits of the bank as they consider advisable, and shall fix the day for payment thereof.

Declaration
of dividends.

(2) The directors shall give public notice of the payment of a dividend published for at least four weeks prior to the day fixed for payment thereof.

Notice.

(3) A dividend is due and payable on and after the day fixed for payment thereof at the head office of the bank and at such other places as the directors prescribe.

Where
payable.

(4) The directors may close the registers of transfers for a period, not exceeding thirty days, before the payment of a dividend.

Closing of
registers of
transfers.

62. (1) No dividend or bonus shall be declared
(a) while the paid-up capital of the bank is impaired, or

Dividend
not to
impair
capital.

(b) if as a result thereof the paid-up capital of the bank would be impaired.

(2) The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus contrary to subsection (1) are jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank.

Directors
liable for
such
dividend.

(3) No division of profits exceeding the rate of eight per cent per annum on the paid-up capital stock of the bank shall be made by the bank unless after making the division the bank has a rest account equal to at least thirty per cent of its paid-up capital stock after making all necessary provisions for ascertained and estimated diminution in the value of assets.

Limitation
on dividend.

(4) The directors who knowingly and wilfully concur in any division of profits contrary to subsection (3) are jointly and severally liable for the amount so divided, as a debt due by them to the bank.

Personal
liability
of directors.

CASH AND SECONDARY RESERVES.

Cash
reserve.

63. (1) The bank shall maintain a cash reserve in the form of notes of the Bank of Canada and deposits in Canadian currency with the Bank of Canada and a chartered bank and such reserve shall be not less on the average during any month than five per cent of such of its deposit liabilities as are payable in Canadian currency.

Secondary
reserve.

(2) The bank shall maintain a secondary reserve in addition to that required by subsection (1) in the form of

(a) notes of the Bank of Canada and deposits in Canadian currency with the Bank of Canada and a chartered bank, and

(b) securities issued or guaranteed by Canada or a province that are payable in Canadian currency, and such reserve shall not be less on the average during any month than fifteen per cent of such of its deposit liabilities as are payable in Canadian currency.

Determining
reserves.

(3) For the purpose of determining the amount of the reserves required to be maintained by a bank during any month

(a) the amount of its deposit liabilities payable in Canadian currency shall be the average of such deposit liabilities at the close of business on Wednesday in each of the four consecutive weeks ending with the last Wednesday but one in the preceding month;

(b) the amount of Bank of Canada notes held by the bank shall be the average holdings of such notes at the close of business on Wednesdays in each of the four consecutive weeks ending with the last Wednesday but one in the preceding month;

(c) the amount of its deposits with the Bank of Canada and chartered banks shall be the average amount of such deposits at the close of business on each juridical day of the current month; and

(d) the amount of the securities issued or guaranteed by Canada or a province that are payable in Canadian currency shall be the average amortized value of such securities at the close of business on each juridical day of the current month.

Assets
against
foreign
liabilities.

(4) The bank shall maintain adequate and appropriate assets against liabilities payable in foreign currency.

DESTRUCTION OF OLD RECORDS.

64. (1) Except as provided in subsection (4) of section 82, the bank may destroy books, records, documents, vouchers, paid instruments and papers in its possession where they are dated or were in existence or contain entries or writings made more than fifteen years prior to the destruction. Destruction of records.

(2) Except as provided in subsection (3), in any action or proceeding the liability of the bank shall be determined by reference only to evidence of matters that have arisen or things that have occurred, including books and records or the portions thereof, and documents, vouchers, paid instruments and papers that are dated or came into existence, or that contain entries or writings made, during the period of fifteen years immediately preceding the commencement of the action or proceeding. Evidence.

(3) In any action or proceeding to establish the ownership of shares of capital stock of the bank, such ownership shall be determined by reference only to evidence of matters that have arisen or things that have occurred, including books and records, or the portions thereof, and documents, vouchers, paid instruments and papers that are dated or came into existence or that contain entries of writings made during the period of fifteen years immediately preceding the commencement of the action or proceeding, excepting the register of shareholders of the bank. Idem.

(4) Nothing in subsection (1), (2) or (3) affects the operation of any statute of limitation or prescription or the right of the bank to destroy any books, records, documents, vouchers, paid instruments or papers not specified in subsection (4) of section 82 or relieves the bank from any liability to the Bank of Canada in respect of any debt or instrument to which subsection (1) of section 82 applies. Statute of limitation.

BUSINESS AND POWERS.

General.

- 65.** (1) The bank may Business and powers of bank.
- (a) deposit money with the Bank of Canada and with any chartered bank;
 - (b) deposit money with banks outside Canada, if so authorized by the board of directors; and
 - (c) borrow money from the Bank of Canada and from any chartered bank and give security for the repayment thereof.

(2) Except as authorized by or under this Act the bank shall not, directly or indirectly, Prohibitions.

- (a) issue notes of the bank payable to bearer on demand and intended for circulation;
- (b) deal in goods, wares and merchandise or engage in any trade or business;
- (c) lend or invest money or make advances;
- (d) acquire or deal in shares of the capital stock of a bank to which this Act applies;
- (e) acquire or deal in securities, shares, mortgages, hypothecs or other security; and
- (f) except with the consent of the Minister, contribute to any guarantee or pension fund if any part of the fund has, at any time after the coming into force of this Act, been invested in shares of the capital stock of a bank to which this Act applies.

Investments.

Investments.

- 66.** The bank may invest in
- (a) securities, payable in Canadian currency, of a corporation incorporated in Canada none of whose securities are in default in respect of either principal or interest;
 - (b) shares, issued in Canadian currency, of a corporation incorporated in Canada none of whose securities are in default in respect of either principal or interest; and
 - (c) shares of a chartered bank.

Idem.

- 67.** The bank may, subject to this Act, invest in
- (a) mortgages and hypothecs upon the security of which the bank may lend money and make advances under section 72; and
 - (b) mortgages and hypothecs upon the security of which the bank may lend money and make advances under the *National Housing Act, 1954*.

Loans and Advances.

Loans and advances.

- 68.** The bank may lend money and make advances to any person if the bank takes as security for the repayment of the loan
- (a) any of the securities and shares mentioned in section 66, the market value of which, at the time the loan is made, is not less than the amount of the loan;
 - (b) a life insurance policy, the cash surrender value of which, at the time the loan is made, is not less than the amount of the loan; or

- (c) a promissory note endorsed for acceptance by a chartered bank, the amount of which, at the time the loan was made, is not less than the amount of the loan;

and the bank takes the security with authority to sell it or realize thereon.

69. The bank may lend money and make advances without security to the Government of Canada or a province. Without security.

70. The bank may lend money and make advances without security Idem.

- (a) to a municipal corporation in Canada;
- (b) to a school corporation in Canada that derives its revenues from rates or taxes levied by it or on its behalf;
- (c) to an ecclesiastical or religious corporation incorporated in Canada;
- (d) to a fabrique de paroisse that is subject to the Fabrique Act of the Province of Quebec;
- (e) to a corporation incorporated for the purpose of operating a hospital or sanitarium in the Province of Quebec;
- (f) to a corporation incorporated in Canada, in an amount that, together with the amount owing by the corporation to the bank in respect of any other loan under this section, does not, at the time the loan is made, exceed the unimpaired paid-up capital and earned surplus of the corporation, if
 - (i) the loan is authorized by resolution of the board of directors of the bank,
 - (ii) the corporation has an unimpaired paid-up capital and earned surplus in excess of five hundred thousand dollars, and
 - (iii) the corporation has, in each of its last five financial years ended less than one year before the date of the loan, paid in cash, on all its outstanding capital stock, a dividend out of income earned in the year of payment; or
- (g) to any individual in an amount that, together with the amount owing by the individual to the bank in respect of any other loan under this section, does not, at the time of the loan, exceed ten thousand dollars;

if the aggregate outstanding amount of the loans made by the bank under this section, together with the proposed loan, does not exceed fifteen per cent of its deposit liabilities.

*National
Housing
Act, 1954.
Interest.*

71. (1) The bank may lend money and make advances under the *National Housing Act, 1954*.

(2) The maximum rate of interest or rate of discount prescribed under section 79 does not apply to loans made under this section.

*Loans on
security of
real or
immovable
property.*

72. (1) The bank may lend money and make advances on the security of improved real or immovable property in Canada if

(a) the loan is authorized by a resolution of the board of directors of the bank, and

(b) the amount of the loan at the time it is made does not exceed the lesser of

(i) seventy-five per cent of the value of the real or immovable property on which the security is taken less the outstanding amount of any mortgage or hypothec having an equal or prior claim against the property, or

(ii) five per cent of the aggregate paid-up capital and rest account of the bank

and the aggregate amount outstanding of

(c) loans made by the bank under this section,

(d) loans made by the bank under section 71, and

(e) mortgages and hypothecs invested in by the bank under section 67,

together with the proposed loan, does not exceed sixty per cent of its deposit liabilities.

*"Improved
real or
immovable
property"
defined.*

(2) In this section "improved real or immovable property" means land or immovable property upon which there is situated a building that constitutes a permanent improvement to the property or on which there is such a building in the process of construction.

*Mortgages
as part
payment.*

(3) This section does not limit the authority of the bank to take security on real or immovable property to secure a balance of price of real or immovable property sold by the bank.

Saving.

(4) This section does not limit the authority of the bank to acquire from a corporation securities that are issued or guaranteed by the corporation and secured on any property whether in favour of a trustee or otherwise.

*Interest
rate.*

(5) The maximum rate of interest or rate of discount prescribed under section 79 does not apply to loans made under this section.

Security.

*Securities
may be
sold.*

73. (1) Securities and shares acquired and held by the bank as security may, in the case of default in the payment of the loan, advance or debt or in the discharge of the

liability for the securing of which they were so acquired and held, be dealt with, sold and conveyed in like manner as and subject to the restrictions under which a private individual might, in like circumstances, deal with, sell and convey the same.

(2) The right to deal with and dispose of securities or shares, as provided in subsection (1), may be waived or varied by any agreement between the bank and the person by whom the security was given.

Waiver of rights.

74. (1) Notwithstanding this Act, the bank may acquire any of the securities or shares referred to in section 73 that are held by it as security.

Acquisition of securities.

(2) When the bank acquires securities or shares in which the bank may not invest under this Act,

Disposal of unauthorized securities.

(a) in the realization of a loan, or

(b) in an exchange or conversion of securities or shares as a result of reorganization or amalgamation of a corporation,

the bank shall, within twelve months, sell or dispose of them.

(3) The Minister may direct that the time for the sale or disposal of any securities or shares under this section shall be extended for a further period or periods not to exceed a total of two years.

Extension of time.

75. (1) Where a debt or liability has been incurred to the bank in the course of its business, the bank may subsequently take, hold and dispose of security of any kind for such debt or liability upon any real or personal, immovable or movable property.

Subsequent security.

(2) The rights, powers and privileges that the bank is by this Act declared to have, or to have had, in respect of real or immovable property on which it has taken security, shall be held and possessed by it in respect of any personal or movable property on which it has taken security.

Rights in respect of personal property.

76. The bank may purchase any real or immovable property offered for sale

Purchases of realty.

(a) under execution, or in insolvency, or under the order or decree of a court, or at a sale for taxes, as belonging to any debtor to the bank,

(b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held by the bank, or

(c) by the bank, under a power of sale given to it for that purpose, notice of such sale by auction to the highest bidder having been first given by advertisement for four weeks in a newspaper

Notice of sale by auction.

published in the county or electoral district in which such property is situated, in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property that it may so purchase, and may acquire title thereto as any individual, purchasing at a sheriff's sale or sale for taxes or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same.

Bank may
acquire
absolute
title.

77. (1) The bank may acquire and hold an absolute title in or to real or immovable property affected by a mortgage or hypothec securing a loan or advance made by the bank or a debt or liability to the bank, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

No Act or
law to
prevent.

(2) Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing the bank from acquiring and holding an absolute title to and in any mortgaged or hypothecated real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or convey any property so mortgaged.

Real Property.

Acquisition
of real
property.

78. (1) The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, and acquire other property in its stead for the same purpose.

Disposition.

(2) The bank may hold real or immovable property

- (a) in the case of property acquired or held for its own use, for a period of seven years from the day on which it ceases to be required for its own use, as determined by the directors, and
- (b) in the case of other property, for a period of twelve years from the day on which it acquired the property,

and forthwith after the expiry of that period the bank shall sell or otherwise dispose of the property absolutely so that the bank no longer has, directly or indirectly, any interest or control in respect thereof except by way of security.

(3) Where the bank fails to dispose of property in accordance with subsection (2), the Attorney General of Canada may, upon such notice as a judge of the Exchequer Court of Canada may order, apply to a judge of that Court for an order declaring the property to be forfeited to Her Majesty in right of Canada, and the judge may, if he is satisfied that the bank has not disposed of the property in accordance with subsection (2), declare the property forfeited to Her Majesty, except that

Forfeiture.

- (a) the property shall not be vested in Her Majesty before the expiry of six calendar months from the day on which notice of the application was given to the bank in accordance with the order of the judge; and
- (b) the bank may, at any time before the property vests in Her Majesty, sell or otherwise dispose of it as required by subsection (2) as if no application, order or declaration had been made.

Interest and Charges.

79. (1) The bank may pay any rate of interest on a debt payable by the bank, and the bank may charge any rate of interest or rate of discount on a loan or advance made by the bank or on a debt or liability to the bank.

Powers re interest.

(2) Notwithstanding subsection (1), where a maximum rate of interest or rate of discount is prescribed for chartered banks under section 91 of the *Bank Act* in respect of loans or advances, the bank shall not charge on any loan or advance any rate of interest or rate of discount exceeding the maximum rate permitted to be charged by a chartered bank on such a loan or advance, and no higher rate of interest or rate of discount is recoverable by the bank in respect of any such loan or advance.

(3) Where the interest or discount on any loan or advance amounts to less than one dollar the bank may, notwithstanding subsection (1) charge a total amount in respect of interest or discount not exceeding one dollar, except that where the loan or advance is not in excess of twenty-five dollars and the interest or discount thereon is less than fifty cents, the maximum charge in respect thereof shall not exceed fifty cents; but this subsection expires when subsection (5) of section 91 of the *Bank Act* expires.

Minimum charges.

80. (1) In subsections (2) to (4),

Definitions.

- (a) "cost of borrowing" means, in relation to a loan or advance,
 - (i) the interest or discount thereon, and

"Cost of borrowing."

- (ii) any charges in connection therewith that are payable by the borrower to the bank or to any person from whom the bank receives any part of such charges directly or indirectly;

"Credit."

- (b) "credit" means an arrangement for obtaining loans or advances; and

"Prescribed."

- (c) "prescribed" means prescribed by regulations made under this section.

Disclosure of cost of borrowing.

(2) Where, after the coming into force of this subsection, the bank grants to a person a credit in respect of loans or advances repayable in Canada or makes to a person a loan or advance repayable in Canada, the cost of borrowing, as calculated and expressed in accordance with subsection (3), shall be disclosed by the bank, or otherwise as prescribed, to such person in the manner prescribed and at the time when the credit is granted or the loan or advance is made otherwise than under a credit, as the case may be; but this subsection does not apply in respect of any class of loans or advances that are prescribed as not being subject to its provisions.

Calculation of cost of borrowing.

(3) The cost of borrowing shall be calculated, in the manner prescribed, on the basis of all obligations of the borrower being duly fulfilled, and shall be expressed as a rate per annum and, under the circumstances prescribed, as an amount in dollars and cents.

Regulations.

(4) The Minister may make regulations

- (a) respecting the manner in which the cost of borrowing shall be disclosed to a borrower;
- (b) respecting the manner of calculating the cost of borrowing;
- (c) respecting the circumstances under which the cost of borrowing is to be expressed also as an amount in dollars and cents;
- (d) specifying any class of loans or advances that are not to be subject to the provisions of subsection (2); and
- (e) respecting such other matters or things as may be necessary to carry out the purpose of this section.

Account charges and minimum balance.

(5) The bank shall not, directly or indirectly, charge or receive any sum for the keeping of an account unless the charge is made by express agreement between the bank and the customer, nor, except by express agreement between the bank and the borrower, shall the making of a loan or advance be subject to a condition that the borrower maintain a minimum credit balance with the bank.

(6) Subsections (1) to (4) shall come into force on the day that subsections (1) to (4) of section 92 of the *Bank Act* come into force.

81. (1) The bank may, in discounting a bill of exchange, promissory note or other negotiable instrument, in order to defray the expense of collection thereof, charge in addition to the discount thereon,

(a) where the instrument is payable at a branch of the bank and is discounted at another branch, an amount not exceeding one-eighth of one per cent of the amount of the instrument or fifteen cents, whichever is greater, or

(b) where the instrument is payable at a place in Canada, other than a branch of the bank or of a chartered bank, an amount not exceeding one-fourth of one per cent of the amount of the instrument or twenty-five cents, whichever is greater.

(2) The bank shall not make a charge for cashing a cheque or other instrument drawn on the Receiver General or on his account in the Bank of Canada or in any chartered bank, or for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or in respect of any cheque or other instrument drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer in his capacity as such, and tendered for deposit to the credit of the Receiver General.

(3) Nothing in subsection (2) shall be construed to prohibit any arrangement between the Government of Canada and the bank concerning interest to be paid on any or all deposits of the Government of Canada with the bank.

(4) Subsection (1) expires on the day that subsection (1) of section 93 of the *Bank Act* expires.

Unclaimed Balances.

82. (1) Where

(a) a debt payable in Canada in Canadian currency is owing by the bank by reason of a deposit in respect of which no transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of ten years reckoned

(i) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and

Transfer to Bank of Canada of unclaimed balances.

- (ii) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later, or
- (b) a cheque, draft or bill of exchange (including an instrument drawn by one branch of the bank upon another branch of the bank but not including an instrument issued in payment of a dividend on the capital stock of the bank) payable in Canada in Canadian currency has been issued, certified or accepted by the bank at a branch of the bank in Canada and no payment has been made in respect thereof for a period of ten years from the date of issue, certification or acceptance,

the bank shall pay to the Bank of Canada on a day to be fixed by the Minister an amount equal to the amount owing by the bank in respect of the debt or to the amount that would be owing if the instrument had been presented for payment, including interest, if any, in accordance with the terms of the debt or instrument, and payment accordingly discharges the bank from all liability in respect of the debt or instrument.

Withholding
payment in
case of doubt.

(2) Where in the opinion of the Minister, there is doubt as to who is entitled to payment of a debt or instrument specified in subsection (1) he may, in writing, direct the bank to withhold the payment required by subsection (1) and the bank shall not make the payment until directed in writing by the Minister to do so.

Payment to
claimant.

(3) Subject to subsection (5) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada under subsection (1) with respect to a debt or instrument, the Bank of Canada, if payment is demanded or the instrument is presented at the Bank of Canada by the person who, but for subsection (1), would be entitled to receive payment of the debt or instrument, is liable to pay at its agency in the province in which the debt or instrument was payable, an amount equal to the amount so paid to it, with interest thereon for a period not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Minister determines if interest was payable in accordance with the terms of the debt, and such liability may be enforced by action against the Bank of Canada in a court of competent jurisdiction in the province in which the debt or instrument was payable.

(4) Where the bank has paid an amount to the Bank of Canada under subsection (1) in respect of a debt or instrument, it shall keep all signature cards and signing authorities relating to the debt or instrument until the Bank of Canada notifies the bank that they are no longer required and thereafter may destroy them.

Retention
of records.

(5) Except as provided in subsection (1) of this section and in subsection (2) of section 64, the liability of the bank in respect of a debt or an instrument to which subsection (1) applies is not extinguished and any action to enforce payment of the debt or instrument is not barred by any statute of prescription or limitation.

Statutes of
limitation
not to apply.

83. The bank may without the authority, aid, assistance or intervention of any other person or official being required,

Deposits
from persons
unable to
contract.

- (a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not; and
- (b) from time to time pay any or all of the principal thereof and any or all of the interest thereon to or to the order of such person, unless before payment the money so deposited in the bank is claimed by some other person in any action or proceeding to which the bank is a party and in respect of which service of a writ or other process originating such action or proceeding has been made on the bank, or in any other action or proceeding pursuant to which an injunction or order made by the court requiring the bank not to make payment of such money or to make payment thereof to some person other than the depositor has been served on the bank, and in the case of any such claim so made the money so deposited may be paid to the depositor with the consent of the claimant or to the claimant with the consent of the depositor.

84. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit made under the authority of this Act is subject.

Bank not
bound to
see to trust
in deposits.

(2) When any deposit made under the authority of this Act is subject to a trust of which the bank has notice, the receipt or cheque of the person in whose name any such deposit stands, or, if it stands in the names of two or more than two persons, the receipt or cheque of all such

Payment
where bank
has notice of
trust.

persons or of such of them as under the document creating the trust may be entitled to receive such deposit is, notwithstanding any trust to which such deposit is then subject, a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit and the bank is not bound to see to the application of any money paid upon such receipt or cheque.

Payments in
other cases.

(3) Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of section 83, by some other person before repayment, the receipt or cheque of the person in whose name any deposit stands, or, if it stands in the names of two persons, the receipt or cheque of one, or, if it stands in the names of more than two persons, the receipt or cheque of the majority of such persons is a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit.

Effect of
writ, etc.

(4) A writ or process originating a legal proceeding or issued therein or in pursuance thereof or an order or injunction made by a court affects and binds only property in the possession of the bank belonging to, or moneys to the credit of, a person at the branch where such writ, process, order or injunction or notice thereof is served.

Deposit upon
express
condition.

(5) Notwithstanding any trust, the bank shall pay a deposit and the interest thereon, in accordance with the direction of the depositor, and the bank is not bound to see to the application of the money paid on any receipt given by any or all of the persons in whose name the deposit stands.

Transmission
of deposits.

85. (1) Where the interest in any deposit is transmitted by or in consequence of

- (a) the marriage of a female depositor, or
- (b) any lawful means, other than by a transfer upon the books of the bank,

the transmission shall be authenticated by a declaration in writing as provided in this section or in such other manner as the directors of the bank require.

How
authen-
ticated.

(2) Every declaration shall distinctly state the manner in which and the person to whom the deposit has been transmitted, and shall give his post office address and description, and such person shall make and sign the declaration.

Acknowl-
edgement.

(3) The person making and signing the declaration shall acknowledge the same before a judge of a court of record, or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, or a commissioner for taking affidavits, where the declaration is made and signed.

(4) Every declaration signed and acknowledged as required by this section shall be left with the general manager or other officer or agent of the bank, who shall thereupon enter in the books of the bank the name of the person entitled to the deposit under the transmission.

To be left
with bank.

86. Where the transmission of a debt owing by the bank by reason of a deposit takes place because of the death of a person, the delivery to the bank

Transmission
by death.

- (a) of an affidavit or declaration in writing in form satisfactory to the bank signed by or on behalf of a person claiming by virtue of the transmission stating the nature and effect of the transmission, and
- (b) when the claim is based on
 - (i) a will or other testamentary instrument or on a grant of probate thereof or on such a grant and letters testamentary or other document of like import or on a grant of letters of administration or other document of like import, purporting to be issued by any court or authority in Canada or elsewhere, of an authenticated copy or certificate thereof under the seal of the court or authority without proof of the authenticity of the seal or other proof, or
 - (ii) a notarial will, of an authenticated copy thereof,

is sufficient justification and authority for giving effect to the transmission in accordance with the claim; but nothing in this section shall be construed to prevent the bank from refusing to give effect to a transmission until there has been delivered to the bank such documentary or other evidence of or in connection with the transmission as it may deem requisite.

87. The bank, when making any payment shall, on the request of the person to whom the payment is to be made, make the payment or a part thereof, not exceeding one hundred dollars, as that person requests, in Bank of Canada notes for one, two or five dollars each.

Payment
in Bank of
Canada
notes.

CHARITABLE FUNDS.

88. The directors shall continue to distribute to charitable institutions yearly, as heretofore, the interest earned on the amounts invested for that purpose.

Distribu-
tion to
charitable
institutions.

89. The principal of the Poor Fund of The Montreal City and District Savings Bank, which has been ascertained

Poor Fund
of Montreal.

and settled at one hundred and eighty thousand dollars, shall continue invested and shall be held by the said bank in any of the securities mentioned in section 66.

Charity
Fund of
Quebec.

90. The principal of the Charity Fund of La Banque d'Économie de Québec, The Quebec Savings Bank, which has been ascertained and settled at eighty-three thousand dollars, shall continue invested and shall be held by the said bank in any of the securities mentioned in section 66.

RETURNS.

Return in
form of
Schedule A.

91. The bank shall, within the first fifteen days of each month, make a return to the Minister and to the Bank of Canada in the form set out in Schedule A, which shall present fairly the financial position of the bank on the last day of the last preceding month.

Return of
reserves.

92. The bank shall, within the first fifteen days of each month, make a return to the Minister and to the Bank of Canada, in a form prescribed by the Minister, of the information appropriate to determine reserves for the last preceding month in accordance with subsection (3) of section 63.

Return of
unclaimed
deposits.

93. (1) The bank shall, within sixty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year, in such form as he prescribes, with respect to all debts payable by the bank in Canada in Canadian currency by reason of deposits at branches of the bank in Canada in respect of which no transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of nine years or more, reckoned

- (a) in the case of a deposit made for a fixed period, from the day on which the fixed period terminated, and
- (b) in the case of any other deposit, from the day on which the last transaction took place or a statement of account was last requested or acknowledged by the creditor, whichever is later,

until the date of the return.

Content of
return.

(2) A return made under subsection (1) shall show in so far as known to the bank

- (a) the name of each creditor to whom the debts are payable;
- (b) the recorded address of each such creditor;

- (c) the amount payable to each such creditor; and
- (d) the branch of the bank at which the last transaction took place with respect to the debt, and the date thereof.

(3) Where the total amount of debts to which subsection (1) applies payable to a creditor is less than ten dollars, the bank may omit the particulars in respect thereof required by subsection (2) from returns made under this section.

Amounts
under ten
dollars.

94. (1) The bank shall, within sixty days after the end of each calendar year, make a return to the Minister as of the end of that calendar year, in such form as he prescribes, with respect to all cheques, drafts or bills of exchange (including instruments drawn by one branch of the bank upon another branch of the bank but not including instruments issued in payment of a dividend on the capital stock of the bank) payable in Canada in Canadian currency that have been issued, certified or accepted by the bank at branches of the bank in Canada and in respect of which no payment has been made for a period of nine years or more reckoned from the date of issue, certification or acceptance until the date of the return.

Return of
cheques, etc.

(2) A return made under subsection (1) shall show in so far as known to the bank

Content
of return.

- (a) the name of each person to whom or at whose request each instrument was issued, certified or accepted;
- (b) the recorded address of each such person;
- (c) the name of the payee of each instrument;
- (d) the amount and date of each instrument;
- (e) the name of the place where each instrument was payable; and
- (f) the branch of the bank at which each instrument was issued, certified or accepted.

(3) Where the amount of an instrument to which subsection (1) applies is less than ten dollars, the bank may omit the particulars in respect thereof required by subsection (2) from returns made under this section.

Amounts
under ten
dollars.

95. (1) The bank shall mail to each person, in so far as known to the bank,

Notice
of unpaid
amount.

- (a) to whom a debt referred to in section 93 is payable, or
- (b) to whom or at whose request an instrument referred to in section 94 was issued, certified or accepted,

at his recorded address, a notice in writing stating that the debt or instrument, as the case may be, remains unpaid.

When notice
to be given.

(2) The notice required by subsection (1) shall be given during the month of January next after the end of the first two-year period, and also during the month of January next after the end of the first five-year period, in respect of which

- (a) no transaction has taken place and no statement of account has been requested or acknowledged by the creditor, or
- (b) the instrument has remained unpaid,
as the case may be.

Return of
interest
charges.

96. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister in the form of a declaration in writing disclosing whether, according to the books of the bank and the signed returns received from the managers of branches, the bank has, during that calendar year, charged in respect of any loan or advance any rate of interest or rate of discount exceeding the rate authorized by this Act.

Signature.

(2) A declaration required by this section shall be signed by the persons who are required to sign the declaration mentioned in section 99.

Return of
names of
shareholders.

97. (1) The bank shall, within thirty days after the end of each calendar year, make a return to the Minister with respect to its shareholders according to its books as at the end of the financial year of the bank ending in that calendar year, showing

- (a) the name of each shareholder who holds shares of the capital stock of the bank having a par value of more than five thousand dollars;
- (b) the place of the recorded address of each such shareholder;
- (c) the number of shares held by him and the amount, if any, remaining to be paid thereon;
- (d) a designation of each such shareholder whose recorded address is a place within Canada but who, to the knowledge of the bank, is a non-resident for the purposes of sections 46 to 49;
- (e) the total number of shares held by
 - (i) those shareholders whose recorded addresses are places outside Canada, and
 - (ii) those shareholders who each hold shares having a par value of more than five thousand dollars, whose recorded addresses are places within Canada but who, to the knowledge of the bank, are non-residents for the purposes of sections 46 to 49; and

- (f) the total number of shareholders who each hold shares having a par value of not more than five thousand dollars, the total number of shares held by them collectively and the total amount, if any, remaining to be paid thereon.

(2) A return made by the bank under this section shall be signed by the president, a vice-president or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager. Signature.

98. (1) In addition to the returns required by sections 91 to 97, the bank shall furnish to the Minister, Additional information.

- (a) the documents required to be sent to him under section 33, and subsection (14) of section 55, and

- (b) such other information at such times and in such form as the Minister may require.

(2) The Minister may, in any case of doubt, determine Minister may determine information.

- (a) the information that is to be included in any classification, and

- (b) in which classification particular information shall be included,

in any form prescribed by or under this Act.

(3) The Minister may extend the time for making a return required by this Act for a period not exceeding thirty days. Extension of time.

99. In addition to the returns required by sections 91 and 92 the bank shall furnish to the Bank of Canada such other information at such times and in such form as the Bank of Canada may require, but the bank shall not be required under this section to furnish information with respect to the accounts or affairs of any particular person. Additional information.

100. A return made by the bank under sections 91 to 94 shall have annexed thereto as part of the return, a declaration in the form set out in Schedule D, signed Declaration to be annexed.

- (a) as to Part I thereof, by the chief accountant or a person authorized to sign in the place of the chief accountant; and

- (b) as to Part II thereof, by the president, a vice-president or a director authorized to sign in the place of the president, and by the general manager or a person authorized to sign in the place of the general manager.

Returns to
be laid before
Parliament.

101. (1) Each return made under section 97 shall be laid before Parliament within thirty days after the expiry of the time prescribed by or pursuant to this Act for making the return or, if Parliament is not then sitting, within the first thirty days next thereafter that Parliament is sitting.

Publication.

(2) The Minister shall, in each year, cause the information contained in the returns made under sections 93 and 94 in that year to be published in the *Canada Gazette* within thirty days after the expiry of the time prescribed by or pursuant to this Act for making the return.

INSOLVENCY.

Suspension
for 90 days to
constitute
insolvency.

102. (1) Any suspension by the bank of payment of any of its liabilities as they accrue, in Bank of Canada notes, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitutes the bank insolvent.

Charter to
remain in
force.

(2) The charter or Act of incorporation of the bank in the case mentioned in subsection (1) remains in force only for the purpose of enabling the directors, or other lawful authority, to make and enforce the calls mentioned in section 103, and to wind up the business of the bank.

When
directors
to make
calls.

103. (1) Where any suspension of payment in full, in Bank of Canada notes, of any of the liabilities of the bank, continues for three months after the expiration of the time that, under subsection (1) of section 102 would constitute the bank insolvent, and no proceedings are taken under any Act for the winding-up of the bank, the directors shall make calls on each shareholder thereof to the amount they deem necessary to pay all the debts and liabilities of the bank not exceeding the amount uncalled on his shares, without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

Provisions
applicable
to calls.

(2) The following provisions apply in respect of calls made under subsection (1), namely:

- (a) the calls shall be payable at intervals of thirty days;
- (b) notice of the calls shall be given to the shareholders;
- (c) any number of calls may be made by one resolution;
- (d) no call shall exceed twenty per cent of the amount subscribed in respect of each share;
- (e) payment of calls may be enforced in like manner as payment of any other calls under this Act;

- (f) the first of such calls may be made within ten days after the expiration of the said three months.

(3) In the event of proceedings being taken under any Act for the winding-up of the bank in consequence of the insolvency of the bank, any calls on shareholders made thereafter shall be in accordance with such Act.

When winding-up proceedings taken.

(4) Failure on the part of a shareholder to pay any call referred to in this section when due constitutes a forfeiture by the shareholder of all claim in or to any part of the assets of the bank, but the call and any further call thereafter is recoverable from him as if no forfeiture had taken place.

Failure to pay call.

104. The following persons, namely:

- (a) persons who, having been shareholders of the bank, have transferred their shares, or any of them, within sixty days before the commencement of the suspension of payment by the bank; and
- (b) persons whose shares of the capital stock of the bank have been forfeited within sixty days before the commencement of the suspension of payment by the bank;

Liability of shareholders who have transferred their stock.

Or whose shares have been forfeited.

are liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held.

105. In the case of the insolvency of the bank

- (a) the payment of any amount due to the Government of Canada, in trust or otherwise, shall be the first charge upon the assets of the bank;
- (b) the payment of any amount due to the government of a province, in trust or otherwise, shall be the second charge upon such assets; and
- (c) the amount of any penalties for which the bank is liable shall be a charge upon the assets of the bank after all other liabilities are paid.

Order of charges.

CURATOR.

106. (1) The Minister shall, if the bank suspends payment in Bank of Canada notes of any of its liabilities as they accrue, forthwith appoint in writing a curator to supervise the affairs of the bank.

Minister to appoint curator.

(2) The Minister may, if the Inspector reports that in his opinion the bank is insolvent, forthwith appoint in writing a curator to supervise the affairs of the bank.

Idem.

Removal.

107. The Minister may at any time remove the curator and may appoint in writing another person to act in his stead.

Powers and duties of curator.

108. (1) The curator shall assume supervision of the affairs of the bank, and has generally all powers and shall take all steps and do all things necessary or expedient to protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he is entitled to free and full access to all books, accounts, cash, securities, documents and vouchers of the bank and any security held by the bank.

Supervision.

(2) The curator shall supervise the affairs of the bank until he is removed from office, or until a liquidator is duly appointed to wind up the business of the bank.

Officers and employees to assist curator.

109. The directors, officers and employees of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties.

Approval by curator.

110. No by-law, regulation, resolution or act, relating to the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, is of any force or effect until approved in writing by the curator.

Remuneration of curator.

111. The remuneration of the curator for his services, and his expenses and disbursements in connection with the discharge of his duties, shall be fixed and determined by a judge of a superior court in the Province of Quebec, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of the liquidator.

LIQUIDATOR.

Returns by liquidator.

112. A liquidator appointed to wind up the affairs of the bank shall furnish to the Minister such information, in such form, relating to the affairs of the bank, as the Minister may require of him.

PAYMENTS UPON WINDING-UP.

Unclaimed money on winding-up.

113. (1) Notwithstanding the *Winding-up Act*, where the business of the bank is being wound up, the liquidator shall pay to the Minister on demand and in any event before the final winding-up thereof, any amount that is payable by the liquidator to a creditor or shareholder of the bank to whom payment thereof has not, for any reason, been made.

(2) The Minister shall pay to the Bank of Canada any amounts paid to him under subsection (1). Payment to Bank of Canada.

(3) Payment by a liquidator to the Minister under this section discharges the liquidator and the bank in respect of which the payment is made from all liability for the amount so paid and payment by the Minister to the Bank of Canada under this section discharges the Minister from all liability for the amount so paid. Liquidator and bank discharged.

(4) Subject to subsection (5) of section 18 of the *Bank of Canada Act*, where payment has been made to the Bank of Canada of an amount under this section, the Bank of Canada, if payment is demanded by the person who, but for this section, would be entitled to receive payment of that amount from the liquidator or the Minister, is liable to pay at its head office an amount equal to the amount so paid to it, with interest thereon for the period, not exceeding twenty years, from the day on which the payment was received by the Bank of Canada until the date of payment to the claimant, at such rate and computed in such manner as the Governor in Council determines, and such liability may be enforced by action against the Bank of Canada in any court of competent jurisdiction in Canada. Liability of Bank of Canada.

OFFENCES AND PENALTIES.

Sale and Transfer of Shares.

114. Every person, whether principal, broker or agent, who sells or transfers or attempts to sell or transfer any share of the capital stock of a bank Sale and transfer contrary to requirements.

- (a) knowing that the person making the sale or transfer, or that the person in whose name or on whose behalf the sale or transfer is made, is not at the time of the sale or attempted sale the registered owner, or

- (b) without the assent to the sale of the registered owner thereof,

is guilty of an offence against this Act, unless under the by-laws of the bank it is unnecessary that transfers of shares of its capital stock be made in the books of the bank.

Annual Statement.

- 115.** Every bank that issues or publishes Statements not signed as required.
- (a) a copy of the annual statement that has not been signed as required by section 53, or
- (b) a copy of the annual statement required by section 53 that does not have a copy of the auditors' report attached thereto,

and every director, officer or employee of the bank who is knowingly a party to the issue or publication is liable to a penalty of two hundred and fifty dollars.

Inspection.

Refusal
to give
evidence.

116. (1) Every person who refuses to give evidence under oath or to produce any book or document material thereto when required to do so by the Inspector or his representative when acting under subsection (3) of section 56 is guilty of an offence against this Act.

Making of
grant or
gratuity.

(2) Every bank that, and every director, officer or employee of a bank who, makes or pays a grant or gratuity in contravention of section 58 is guilty of an offence against this Act.

Refusal or
failure to
furnish
information.

(3) Every person who refuses or fails to furnish the Inspector with any information or explanations that the Inspector requires him to furnish under section 56 is guilty of an offence against this Act.

Acceptance
of grant or
gratuity.

(4) The Inspector or any other person appointed or employed under section 64 of the *Bank Act* who accepts a grant or gratuity in contravention of section 58 is guilty of an offence against this Act.

Disclosure of
information.

(5) The Inspector or any other person appointed or employed under section 64 of the *Bank Act* or any person to whom powers are delegated under subsection (3) of section 56 of this Act who discloses any information in contravention of section 59 is guilty of an offence against this Act.

Cash and Secondary Reserves.

Failure to
maintain
reserves.

117. When a bank knowingly fails to maintain the reserves as required by section 63, the amount of the deficiency shall be deemed to be a deficiency for the entire month in which it occurs and the bank is liable to a penalty at the rate of ten per cent per annum of the amount for that period.

Issue and Circulation of Notes.

Issue
of notes.

118. Every bank that issues a note contrary to paragraph (a) of subsection (2) of section 65, and every director, officer or employee of the bank who knowingly is a party thereto, is guilty of an offence against this Act.

Prohibited Business.

Bank doing
prohibited
business.

119. (1) Every bank that violates any of the provisions of paragraph (b), (c), (d) or (e) of subsection (2) of section 65 is liable to a penalty of five hundred dollars in respect of each violation.

(2) Every bank that violates the provisions of paragraph (f) of subsection (2) of section 65 is liable to a penalty of five thousand dollars in respect of each violation.

(3) Every bank that makes a loan, advance or investment not authorized by this Act is liable, in addition to any other penalty prescribed by this Act, to a penalty of fifty dollars for each day during which any part of the loan, advance or investment is not authorized by this Act.

Additional
penalty.

Interest Charges.

120. (1) Every bank that violates the provisions of section 79 is guilty of an offence and liable on summary conviction or on conviction upon indictment to a fine not exceeding one thousand dollars, and every person who, being an officer or employee of the bank, violates the provisions of section 79 is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

Violation of
interest
provisions.

(2) Every bank that violates the provisions of subsection (2) or subsection (5) of section 80 is liable to a penalty of one thousand dollars in respect of each such violation.

Interest
disclosure.

(3) Subsection (1) expires when subsection (5) of section 91 of the *Bank Act* expires.

Expiration.

Returns.

121. (1) Every bank that fails

- (a) to make a return required to be made by it under this Act,
- (b) to furnish to the Minister any information required to be furnished by it under subsection (1) of section 98, or
- (c) to furnish to the Bank of Canada any information required to be furnished by it under section 99,

Failure to
make returns.

in the form and manner, within the time and containing the information prescribed by or pursuant to this Act, is liable to a penalty of fifty dollars for each day after the expiry of the time so prescribed for making the return or furnishing the information during which the failure continues.

(2) If any return required to be made or any information required to be furnished under or pursuant to this Act is transmitted by post, the date appearing by the stamp or mark of the post office in Canada upon the envelope or wrapper enclosing the return or information received by the Minister or by the Bank of Canada, as the date of deposit in the post office shall be taken *prima facie* for the purpose of subsection (1) to be the day upon which the return was made or the information was furnished.

Date of
posting
returns.

False
statements.

122. (1) Every director, officer or employee of a bank and every auditor of a bank who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive information, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Idem.

(2) Every director, officer or employee of a bank and every auditor of a bank who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive information, or any return that does not present fairly information as required by this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years.

Suspension of Payment.

Calls.

123. Every director of a bank who refuses to make or enforce or to concur in the making or enforcing of any call on the shareholders of the bank as required by section 96 is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Payment of
liabilities.

124. Every director, officer or employee of a bank who, during any period of suspension of payment in Bank of Canada notes of any of the liabilities of the bank as they accrue, with knowledge of such suspension and without the consent of a duly appointed curator or liquidator, pays or causes to be paid to any person any debt or liability of the bank, is guilty of an offence against this Act.

Undue Preference to the Bank's Creditors.

Undue
preference
to any
creditor.

125. Every director, officer or employee of a bank who wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Obtaining
gifts or
showing
favour.

126. (1) Every person is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment or to a fine not exceeding twenty-five hundred dollars, or to both such fine and imprisonment, and, upon summary conviction, to imprisonment for six months, or to a fine not exceeding five hundred dollars, or to both such fine and imprisonment, who

- (a) being a director, officer or employee of a bank, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs; or
- (b) corruptly gives or agrees to give or offers any gift or consideration to a director, officer or employee of a bank as an inducement or reward or consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

(2) In this section "consideration" includes valuable consideration of any kind.

"Con-
sideration
defined.

Offences Relating to Share Transactions.

127. (1) Every bank that violates any provision of section 46 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars; and every person who, being a director, officer, employee or agent of the bank, knowingly authorizes or permits a violation of any provision of section 46 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Unlawful
transfer of
bank stock.

(2) Every person who knowingly violates any provision of section 47 or subsection (6) of section 49 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Unlawful
voting of
shares.

Punishment for Offences against this Act.

128. Every person who commits an offence against this Act is, unless otherwise provided by this Act, liable

Punishment
for offences.

- (a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or

- (b) on conviction upon indictment, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

Procedure.

Pecuniary
penalties.

129. (1) Unless otherwise provided by this Act, pecuniary penalties imposed upon a bank or person by this Act are recoverable and enforceable, with costs, at the suit of Her Majesty instituted by the Attorney General of Canada, and such penalties belong to Her Majesty in right of Canada, except that the Governor in Council, on the report of the Minister, may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act and to secure the due administration thereof.

Waiver.

(2) The Minister may waive all or any part of the pecuniary penalties imposed by this Act in any case where in his opinion the circumstances so warrant.

REPEAL.

Repeal.

130. The *Quebec Savings Banks Act*, chapter 41 of the Statutes of 1953-54, is repealed.

COMING INTO FORCE.

Coming into
force.

131. (1) Except as otherwise expressly provided in this Act, this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Saving.

(2) Section 6 and this section shall come into force and section 6 of the *Quebec Savings Banks Act*, chapter 41 of the statutes of 1953-54, is repealed on the day that this Act is assented to.

Commence-
ment of
voting
restrictions.

(3) Section 47 and subsection (5) of section 49 shall come into force three months after this Act comes into force.

SCHEDULE A

Return of the Assets and Liabilities

of the _____ Bank

as at _____, 19____

(omitting cents)

ASSETS

1. Gold and coin..... \$
2. Notes of and deposits with Bank of Canada and deposits with chartered banks in Canadian currency..
3. Other bank notes and deposits with banks in currencies other than Canadian.....
4. Cheques and other items in transit, net.....
5. Securities issued or guaranteed by Canada, at amortized value.....
6. Securities issued or guaranteed by a province, at amortized value.....
7. Securities issued or guaranteed by a municipal or school corporation in Canada, not exceeding market value.....
8. Securities and shares of other Canadian issuers, not exceeding market value.....
9. Mortgages and hypothecs insured under the National Housing Act, 1954.....
10. Other mortgages and hypothecs, less provision for losses.....
11. Loans otherwise secured, less provision for losses.....
12. Loans without security, less provision for losses.....
13. Poor Fund or Charity Fund investments.....
14. Bank premises at cost, less amounts written off.....
15. Other assets.....

\$ _____

SCHEDULE A—Concluded

LIABILITIES

1. Deposits by Canada, in Canadian currency.....	\$
2. Deposits by a province, in Canadian currency.....	
3. Other deposits in Canadian currency.....	
4. Deposits in currencies other than Canadian.....	
5. Advances from Bank of Canada, secured.....	
6. Advances from chartered banks, secured.....	
7. Poor Fund or Charity Fund Trust.....	
8. Other liabilities.....	
9. Capital paid up.....	
10. Rest account.....	
11. Undivided profits at latest fiscal year end.....	_____
	\$
	=====

SUPPLEMENTARY INFORMATION

Aggregate amount of loans to directors and firms of which
they are members, and loans for which they are guarantors \$

Aggregate amount of loans under section 70 of the *Quebec
Savings Banks Act* \$

SCHEDULE B

(Section 53(2)(b))

Statement of Revenue, Expenses and Undivided Profits
of the _____ Bank
for the financial year ended October 31, 19_____.

REVENUE

1. Income from loans..... \$
2. Income from securities.....
3. Other operating revenue..... _____
4. Total revenue..... _____

EXPENSES

5. Interest on deposits.....
6. Salaries, pension contributions and other staff benefits.
7. Property expenses, including depreciation.....
8. Other operating expenses, including provision for
losses on loans based on five-year average loss
experience..... _____
9. Total expenses..... _____
10. Balance of revenue.....
11. Appropriation for losses..... _____
12. Balance of profits before income taxes.....
13. Provision for income taxes relating thereto..... _____
14. Balance of profits for the year.....
15. Dividends..... _____
16. Amount carried forward.....
17. Undivided profits at beginning of year.....
18. Transfer from accumulated appropriations for losses.. _____
19. Transferred to Rest account.....
20. Undivided profits at end of year..... \$_____

Note: Titles should be deleted where there are no amounts to be reported thereunder. Omit cents.

SCHEDULE C

(Section 53(2)(c))

Statement of Accumulated Appropriations for Losses
 of the _____ Bank
 for the financial year ended October 31, 19____.

1. Accumulated appropriations at beginning of year
 General _____ Tax-paid _____ Total..... \$
2. Appropriation from current year's operations.....
3. Loss experience on loans less provision included in
 other operating expenses.....
4. Profits and losses on securities, including provisions
 to reduce securities other than those of Canada and a
 province to values not exceeding market.....
5. Other profits, losses and non-recurring items, net...
6. Provision for income taxes.....
7. Transferred to undivided profits.....
8. Accumulated appropriations at end of year
 General _____ Tax-paid _____ Total..... \$=====

Note: Titles should be deleted where there are no amounts to be reported thereunder. Omit cents.

SCHEDULE D

DECLARATION REQUIRED BY SECTION 100.

PART I

I declare that the above return is correct according to the books of the bank.

Dated at _____ this _____ day of _____, 19____.

Chief Accountant.

PART II

We declare that the foregoing return, to the best of our knowledge and belief, is correct and presents fairly the information required by section of the *Quebec Savings Banks Act* according to the latest information available to us.

Dated at _____ this _____ day of _____, 19____.

President.

General Manager.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 94

An Act respecting the occupational training of adults.

[Assented to 8th May, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Adult Occupational Training Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | Definitions. |
|---|-------------------------------------|
| (a) "manpower officer" means an officer of the Department of Manpower and Immigration designated by the Minister; | "Manpower officer." |
| (b) "Minister" means the Minister of Manpower and Immigration; | "Minister." |
| (c) "occupational training" means any form of instruction, other than instruction designed for university credit, the purpose of which is to provide a person with the skills required for an occupation or to increase his skill or proficiency therein; | "Occupational training." |
| (d) "occupational training course" means a course of occupational training that provides not more than fifty-two weeks of full-time instruction or 1,820 hours of part-time instruction; and | "Occupational training course." |
| (e) "occupational training facilities" means buildings and physical plant, machinery and equipment used for occupational training. | "Occupational training facilities." |

PART I.

OCCUPATIONAL TRAINING.

Definitions.

"Adult."

- 3.** In this Part,
- (a) "adult" means a person whose age is at least one year greater than the regular school leaving age in the province in which he resides; and
 - (b) "adult eligible for a training allowance" means an adult who
 - (i) has been a member of the labour force substantially without interruption for not less than three years, or
 - (ii) has one or more persons wholly or substantially dependent upon him for support.

Enrolment of adults in occupational training courses.

4. (1) Where an adult who has not attended school on a regular basis for at least twelve months informs a manpower officer that he wishes to undertake occupational training, the manpower officer may, subject to subsection (2), arrange for the enrolment of that adult in any occupational training course that will, in the opinion of the manpower officer, provide training suitable for that adult and increase his earning capacity or his opportunities for employment.

Enrolment in courses operated by province or municipal authority.

(2) A manpower officer shall arrange for the enrolment of an adult described in subsection (1) only in an occupational training course that is operated by the province in which that adult resides or by a provincial or municipal authority in the province, unless there is no such course suitable for that adult being offered at or in the vicinity of the place of residence of that adult, in which he may be enrolled.

Reports or recommendations of joint committee to be taken into account.

(3) Where the Minister and the government of a province have established a joint committee as provided for in section 13 to assess manpower needs in that province, each manpower officer in that province shall, in forming his opinion as to whether an occupational training course will increase the earning capacity or opportunities for employment of an adult described in subsection (1), take into account any reports or recommendations made by that committee.

Contracts with provinces authorized.

5. (1) The Minister may enter into a contract with any province to provide for the payment by Canada to the province of the costs incurred by the province or a provincial or municipal authority in the province in providing training in an occupational training course operated by

the province or the provincial or municipal authority to adults whose enrolment therein was arranged by a manpower officer.

(2) The Minister may enter into a contract with any province to provide for the payment by Canada to the province of the costs incurred by the province or a provincial or municipal authority in the province in providing training in an occupational training course for apprentices operated by the province or the provincial or municipal authority to adults whose enrolment therein was not arranged by a manpower officer. Idem.

(3) Where, pursuant to section 4, a manpower officer arranges for the enrolment of an adult described in that section in an occupational training course that is not operated by a province or by a provincial or municipal authority in a province but that is approved by the government of the province in which the course is operated, the Minister may authorize the payment of such charges for tuition or otherwise for the training of that adult in the course as are provided for by the regulations. Payment for training in courses not operated by province or municipal authority.

6. (1) Subject to subsection (2), the Minister may enter into a contract with any employer operating or undertaking to operate an occupational training course for the training of adults employed by the employer to provide for the payment by the Minister to the employer of the costs incurred by the employer, as specified in the contract, in providing training in the occupational training course to those adults. Contracts with employers operating training courses.

(2) The Minister shall not enter into a contract with an employer described in subsection (1) in respect of the training of adults employed by that employer that is training on the job or in skills useful only to that employer, unless he is satisfied that such training is necessary because of technological or economic changes affecting that employer that would otherwise result in loss of employment by the adults being trained or to be trained in the course. Exception.

(3) The Minister may enter into a contract with any employer who has arranged for the training of adults employed by him in an occupational training course that is not operated by the employer, to provide for the payment to that employer of the costs incurred by him, as specified in the contract, in providing training in the occupational training course to those adults. Contracts with other employers.

(4) The Minister shall not enter into a contract under this section with any employer described in subsection (1) or (3) unless he is satisfied that the content of the occupational training course described in that subsection Restriction.

has been the subject of consultation by the employer with the government of the province in which the course is operated or to be operated.

TRAINING ALLOWANCES.

Training
allowances
authorized.

7. Subject to section 8, the Minister may pay to every adult who

- (a) is being trained in an occupational training course described in subsection (2) of section 5 or an occupational training course in which his enrolment was arranged by a manpower officer, and
- (b) is an adult eligible for a training allowance, a training allowance related to the family circumstances and living costs of that adult.

Rate of
training
allowances.

8. (1) The rate at which a training allowance is payable to an adult pursuant to section 7 shall be determined as prescribed by the regulations, but shall not,

- (a) in the period commencing with the coming into force of this Act and ending on the 30th day of June, 1968, be less than thirty-five dollars a week or more than ninety dollars a week; and
- (b) in the period commencing on the first day of July, 1968 and ending on the 30th day of June, 1969, and in each succeeding twelve-month period thereafter, be
 - (i) less than a weekly amount that bears the same relation to the average hourly earnings in manufacturing for the calendar year ending immediately before the commencement of that period that thirty-five dollars bears to the average hourly earnings in manufacturing for the year 1966, or
 - (ii) more than a weekly amount that bears the same relation to the average hourly earnings in manufacturing for the calendar year ending immediately before the commencement of that period that ninety dollars bears to the average hourly earnings in manufacturing for the year 1966.

section (1),

- (2) For the purposes of paragraph (b) of subsection (1),
- (a) "average hourly earnings in manufacturing" for a calendar year means the average hourly earnings of hourly rated wage earners employed

For calculation of training allowances. "Average hourly earnings in manufacturing" defined.

in manufacturing in Canada in that year, as ascertained and certified by the Dominion Statistician; and

- (b) the calculation of the maximum and minimum training allowance payable in any twelve-month period shall be made to the nearest multiple of one dollar, or if there is no such nearest multiple, then to the multiple thereof that is the lower.

Maximum and minimum training allowances.

9. (1) In addition to the costs referred to in section 6, the Minister may, subject to subsection (2), pay to an employer with whom he has entered into a contract pursuant to that section, if the contract so provides, an amount as specified in the contract in respect of each adult who

Additional amount payable to certain employers.

- (a) is being trained in an occupational training course described in that section, and

(b) is an adult eligible for a training allowance, for each week that the adult is being trained in that occupational training course.

(2) Where the Minister enters into a contract that provides for the payment of amounts as described in subsection (1), the maximum amount so payable by the Minister for any week in respect of an adult described therein shall not exceed the lesser of

Maximum amounts payable.

- (a) an amount equal to the amount obtained by multiplying the number of hours that the adult received training in that week by the average hourly earnings of that adult for that week from employment with that employer; or
- (b) an amount equal to the maximum training allowance that may be paid in that week to an adult described in section 7.

RESEARCH AGREEMENT.

10. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province to provide for the payment by Canada to the province of contributions in respect of the costs incurred by the province, as specified in the agreement, in undertaking

Research and development agreement.

- (a) research in respect of occupational training, including research in respect of the changing needs of the economy for trained workers and the relationship between occupational training and the needs of the economy; and

- (b) projects for the development of occupational training courses and materials for such courses, including projects for the development of occupational training aids, examinations and standards.

Maximum contributions payable under agreement.

(2) The contributions payable by Canada to a province under an agreement entered into pursuant to this section shall not exceed fifty per cent of the costs incurred by the province as described in subsection (1).

LOANS TO PROVINCES.

Loans for purchase or construction of occupational training facilities.

11. (1) The Minister may, subject to regulations made by the Governor in Council, enter into an agreement with any province to provide for the making of loans to the province for the purpose of assisting the province or a provincial or municipal authority in the province to purchase or construct occupational training facilities that will be used to provide training to adults in occupational training courses of a kind specified in the agreement.

Terms and conditions of loans.

(2) Every loan made pursuant to an agreement under this section shall

- (a) be for a term not exceeding thirty years;
- (b) bear interest at the rate prescribed therefor pursuant to subsection (3);
- (c) be repayable in full during the term thereof by equal payments of principal and interest not less frequently than annually; and
- (d) be subject to such other terms and conditions as the parties thereto may agree on.

Interest on loans.

(3) The Governor in Council, on the recommendation of the Minister of Finance, may from time to time prescribe the rate of interest to apply in respect of any loan that may be made under an agreement entered into pursuant to this section.

GENERAL.

Regulations.

12. (1) The Governor in Council may make regulations,

- (a) defining the expressions "instruction designed for university credit", "full-time instruction", "part-time instruction", "labour force", "training on the job" and "regular school leaving age" for the purposes of this Act;
- (b) specifying, for the purposes of this Act, the circumstances under which an adult shall be deemed not to have attended school on a regular basis for any period;

- (c) prescribing, for the purposes of subsection (1) of section 5, the method of determining the costs incurred by a province or a provincial or municipal authority in providing training in an occupational training course to adults described in that subsection;
- (d) prescribing, for the purposes of subsection (2) of section 5, the method of determining the costs incurred by a province or a provincial or municipal authority in providing training in an occupational training course for apprentices to adults described in that subsection;
- (e) providing for the charges for tuition or otherwise that may be paid for the training of an adult in an occupational training course that is not operated by a province or a provincial or municipal authority in a province;
- (f) specifying, for the purposes of this Act, the circumstances under which an adult shall be deemed to have been a member of the labour force substantially without interruption for any period;
- (g) respecting the determination of the rates at which training allowances are payable to adults and the time and manner of payment of such allowances;
- (h) respecting the determination of the circumstances under which a person shall be considered to be wholly or substantially dependent for support on another person;
- (i) prescribing, for the purposes of section 9, the method of determining the average hourly earnings for a week of an adult described therein; and
- (j) generally, for carrying out the purposes and provisions of this Act.

(g) of subsection (1) may, after consultation with the government of a province, be made applicable specifically to that province or to specific areas within that province.

Regulations may be made applicable specifically to a province.

13. The Minister may, at the request of the government of a province, join with that government in the establishment of a joint committee to assess manpower needs in that province.

Joint committees.

14. Where a person has received a training allowance to which he is not entitled or a training allowance in an amount in excess of the training allowance to which he is

Recovery of over-payment.

entitled, the amount thereof or the excess amount, as the case may be, may be recovered at any time as a debt due to Her Majesty or may be retained, in whole or in part, out of any subsequent amount payable to that person as a training allowance.

Offence. **15.** (1) Every person who, for the purpose of obtaining occupational training or a training allowance under this Act, knowingly makes a false or misleading statement is guilty of an offence punishable on summary conviction.

Idem. (2) Every employer who, for the purpose of obtaining any payment under a contract entered into with the Minister under this Act, wilfully furnishes any false or misleading information is guilty of an offence punishable on summary conviction.

Amendments. **16.** Any contract or agreement made under this Act may be amended

(a) with respect to the provisions of the contract or agreement in respect of which a method of amendment is set out in the contract or agreement, by that method; or

(b) with respect to any other provisions of the contract or agreement, by the mutual consent of the parties thereto with the approval of the Governor in Council.

PART II.

UNEMPLOYMENT INSURANCE BENEFITS.

Definitions. **17.** In this Part,
 "Act." (a) "Act" means the *Unemployment Insurance Act*;
 "Commission." (b) "Commission" means the Unemployment Insurance Commission; and
 "Insured person." (c) "insured person" has the same meaning as in the Act.

Benefits not payable to persons receiving training allowance. **18.** Notwithstanding anything contained in the Act, an insured person being trained under an occupational training course is not entitled to be paid benefit under the Act in respect of any week for which a training allowance is payable to him under Part I.

Extension of qualification period. **19.** (1) Where an insured person proves in such manner as the Commission may require that for any time during any period mentioned in subsection (1) or (2) of

section 45 of the Act contributions were not payable in respect of him for the reason that he was being trained under an occupational training course and a training allowance was payable to him under Part I, that period shall, for the purposes of sections 45, 47 and 48 of the Act, be increased by the aggregate of any such times.

(2) Where an insured person proves in such manner as the Commission may require that for any time during any increase to a period mentioned in subsection (1) contributions were not payable in respect of him for the reason mentioned in that subsection, that period shall, for the purposes of sections 45, 47 and 48 of the Act, be further increased by the aggregate of any such times. Idem.

(3) For the purposes of subsections (1) and (2), the time during which contributions were not payable does not include any time during which the insured person was in receipt of benefit or seasonal benefit under the Act. Benefit periods excluded.

(4) The aggregate of any period mentioned in subsection (1) or (2) of section 45 of the Act and the total increases made to that period under this section and subsections (3) and (4) of section 45 of the Act shall not exceed two hundred and eight weeks. Limitation.

20. (1) Where a benefit period has been established in respect of an insured person under section 45 of the Act and the insured person proves in such manner as the Commission may require that for any time during that benefit period he was being trained under an occupational training course and a training allowance was payable to him under Part I, the benefit period in respect of that person shall, notwithstanding subsection (1) of section 46 of the Act, be increased by the aggregate of any such times. Benefit periods increased.

(2) Where an insured person proves in such manner as the Commission may require that for any time during any increase to a benefit period mentioned in subsection (1) he was being trained under an occupational training course and a training allowance was payable to him under Part I, the benefit period in respect of that person shall, notwithstanding subsection (1) of section 46 of the Act, be further increased by the aggregate of any such times. Idem.

(3) No increase shall be made pursuant to subsections (1) and (2) to a benefit period in respect of an insured person that would provide in respect of that person a benefit period greater than one hundred and fifty-six weeks. Limitation.

PART III.

TRANSITIONAL AGREEMENTS.

Agreements
authorized
for
occupational
training
facilities.

Amount of
contribu-
tions.

21. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province to provide for the payment by Canada to the province of contributions in respect of the capital expenditures incurred by the province on occupational training facilities.

(2) The aggregate of the contributions payable by Canada to a province under an agreement entered into pursuant to this section shall not exceed

(a) the lesser of seventy-five per cent of the capital expenditures incurred by the province on occupational training facilities after March 31, 1967 or an amount equal to

(i) the amount obtained by multiplying four hundred and eighty dollars by the youth population of the province in 1961,
minus

(ii) the total contributions paid by Canada to the province under an agreement made pursuant to section 4 of the *Technical and Vocational Training Assistance Act* in respect of the capital expenditures incurred by the province on training facilities; and

(b) in respect of capital expenditures incurred by the province on occupational training facilities after such time as no further amount may be paid by Canada to the province in respect of any expenditures pursuant to paragraph (a), the lesser of fifty per cent of such capital expenditures or an amount equal to

(i) the amount obtained by multiplying three hundred and twenty dollars by the youth population of the province in 1961,
minus

(ii) the amount by which the total contributions paid by Canada as described in subparagraph (ii) of paragraph (a) exceeds the amount described in subparagraph (i) of paragraph (a).

(3) In this section,

(a) "capital expenditures" incurred by a province on occupational training facilities means the capital expenditures incurred by the province

Definitions.

"Capital
expendi-
tures."

on such facilities determined as prescribed in the agreement made under this section between the Minister and the province; and

- (b) "youth population of the province in 1961" means the number of persons in the province in 1961 in the age group of fifteen to nineteen years of age inclusive, as ascertained and certified by the Dominion Statistician.

"Youth population of the province in 1961."

22. (1) The Minister may, with the approval of the Governor in Council, make an arrangement with any province with whom the Minister entered into an agreement pursuant to section 3 of the *Technical and Vocational Training Assistance Act* (hereinafter in this section referred to as the "former agreement") for the payment by Canada to the province of contributions in respect of the costs incurred by the province in the period commencing April 1, 1967 and ending March 31, 1968, or such earlier date as may be determined pursuant to the arrangement, in providing training under any technical or vocational training program described in the former agreement to persons being trained on March 31, 1967.

Arrangements respecting persons being trained on March 31, 1967.

(2) The contributions payable by Canada to a province under an arrangement made pursuant to this section shall not exceed an amount that bears to the costs incurred by the province, determined pursuant to the arrangement, the same relation that the contributions payable by Canada under the former agreement in respect of the technical or vocational training program under which persons were being trained on March 31, 1967, bears to the costs incurred by the province, determined as prescribed in the former agreement, in providing that program.

Limit of contributions.

PART IV.

REPEAL.

23. The *Technical and Vocational Training Assistance Act* is repealed.

Repeal 1960-61, c. 6.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 95

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1968.

[Assented to 8th May, 1967.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, the Honourable Robert Taschereau, P.C., Chief Justice of Canada, Administrator of the Government of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1968; and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 4, 1967*. Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole, one billion, thirty-four million, six hundred and eighty-nine thousand, nine hundred and eleven dollars and sixteen cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1967 to the 31st day of March, 1968, not otherwise provided for, and being the aggregate of

\$1,034,689,911.16
granted for
1967-68.

- (a) two-twelfths of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1968, as laid before the House of Commons at the

present session of Parliament, except Loans, Investments and Advances. Vote L40, for which no proportion is granted hereby.....

-\$995,375,277.83;
- (b) eight-twelfths of the amount of the item in the said Main Estimates set forth in Schedule A\$798,000.00;
- (c) three-twelfths of the amount of the item in the said Main Estimates set forth in Schedule B\$394,250.00;
- (d) two-twelfths of the total of the amounts of the several items in the said Main Estimates set forth in Schedule C.....\$30,897,500.00;
- (e) one-twelfth of the total of the amounts of the several items in the said Main Estimates set forth in Schedule D.....\$7,224,883.33.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Commitments.

4. Where an item in the said Estimates purports to confer authority to enter into commitments up to an amount stated therein, a commitment may be entered into in accordance with the terms of such item, if the Comptroller of the Treasury certifies that the amount of the commitment proposed to be entered into, together with all previous commitments entered into pursuant to this section, does not exceed the total amount of the commitment authority stated in such item.

Account to be rendered. R.S., c. 116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$798,000.00, being eight-twelfths of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC SERVICE COMMISSION		
5	Construction or Acquisition of Buildings, Works, Land and Equipment, including the Public Service Bilingual and Bicultural Development Program.....		*1,197,000

*Net total \$798,000.00.

SCHEDULE B.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$394,250.00, being three-twelfths of the item in the said Estimates contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	PRIVY COUNCIL		
	A-PRIVY COUNCIL		
	PRIVY COUNCIL OFFICE		
18	Expenses related to the 1967 Visits of State.....	.....	*1,577,000

*Net Total \$394,250.00.

SCHEDULE C.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$30,897,500.00, being two-twelfths of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	EXTERNAL AID OFFICE		
35	Economic, technical, educational and other assistance as detailed in the Estimates.....	130,100,000	
	INDUSTRY		
15	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council (formerly under Canadian Maritime Commission).	30,000,000	
	LOANS, INVESTMENTS AND ADVANCES		
	ENERGY, MINES AND RESOURCES		
L25	Advances in accordance with agreements entered into pursuant to the <i>Atlantic Provinces Power Development Act</i>	25,285,000	
			*185,385,000

*Net Total \$30,897,500.00.

SCHEDULE D.

Based on the Main Estimates, 1967-68. The amount hereby granted is \$7,224,883.33, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1968, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	ENERGY, MINES AND RESOURCES		
	A—DEPARTMENT		
	GEOLOGICAL RESEARCH		
35	Administration, Operation and Maintenance including the expenses of the National Advisory Committee on Research in Geological Sciences, Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, Canada's fee for membership in the International Union of Geological Sciences and grants as detailed in the Estimates.....	8,780,000	
	FISHERIES		
	FISHERIES RESEARCH BOARD OF CANADA		
20	Administration, Operation and Maintenance including an amount of \$410,000 for grants for Fisheries Research and for Scholarships and authority to provide free accommodation for the International North Pacific Fisheries Commission.....	10,929,000	
	FORESTRY AND RURAL DEVELOPMENT		
	A—DEPARTMENT		
	FORESTRY		
15	Administration, Operation and Maintenance, including grants as detailed in the Estimates.....	16,943,500	
	JUSTICE		
1	Administration including grants and contributions as detailed in the Estimates, gratuities to the widows or such dependents as may be approved by Treasury Board of Judges who die while in office, and authority to make recoverable advances for the administration of justice on behalf of the Governments of the Northwest Territories and the Yukon Territory.....	3,983,100	
	LEGISLATION		
	THE SENATE		
5	General Administration.....	1,360,500	
	HOUSE OF COMMONS		
20	General Administration.....	7,803,900	

SCHEDULE D—Concluded

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL GALLERY OF CANADA		
1	Administration, Operation and Maintenance including the payment of \$750,000 to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the <i>National Gallery Act</i> and grants as detailed in the Estimates.....	2,571,000	
	SECRETARY OF STATE		
	B—CENTENNIAL COMMISSION		
35	General Administration, including the National Conference on the Centennial of Confederation.....	5,294,000	
40	Programs and projects of national significance including grants towards such programs and projects.....	12,291,800	
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
15	Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada including a grant of \$55,000 to the Canadian Tourist Association.....	9,991,000	
	1967 WORLD EXHIBITION		
29	Canadian Government participation in the 1967 World Exhibition, Montreal.....	6,750,800	*86,698,600

*Net Total \$7,224,883.33.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1967

14-15-16 ELIZABETH II.

CHAP. 96

An Act to amend the National Defence Act and other Acts
in consequence thereof.

[Assented to 8th May, 1967.]

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:

SHORT TITLE.

1. This Act may be cited as the *Canadian Forces
Reorganization Act*.

R.S., cc.
184, 310;
1952-53, cc.
6, 24;
1953-54, cc.
13, 21, 40;
1955, c. 28;
1956, c. 18;
1959, c. 5;
1964-65, c. 21.
Short title.

PART I.

STRUCTURE OF THE CANADIAN FORCES.

2. Sections 15 to 18 of the *National Defence Act*
are repealed and the following substituted therefor:

"15. The Canadian Forces are the armed forces
of Her Majesty raised by Canada and consist of one
Service called the Canadian Armed Forces.

Canadian
Forces,
Canadian
Armed
Forces

16. (1) There shall be a component of the
Canadian Forces, referred to in this Act as the regular
force, consisting of officers and men who are enrolled
for continuing, full-time military service.

Regular force.

(2) The maximum numbers of officers and
men in the regular force shall be as from time to time
authorized by the Governor in Council, and the regular
force shall include such units and other elements as
are embodied therein.

Composition.

(3) There shall be a component of the
Canadian Forces, referred to in this Act as the reserve
force, consisting of officers and men who are enrolled

Reserve
force.

for other than continuing, full-time military service when not on active service.

Composition.

(4) The maximum numbers of officers and men in the reserve force shall be as from time to time authorized by the Governor in Council, and the reserve force shall include such units and other elements as are embodied therein.

Special force.

17. (1) In an emergency, or if considered desirable in consequence of any action undertaken by Canada under the United Nations Charter, the North Atlantic Treaty or any other similar instrument for collective defence entered into by Canada, the Governor in Council may establish and authorize the maintenance of a component of the Canadian Forces, referred to in this Act as the special force, consisting of

- (a) officers and men of the regular force who are placed in the special force under conditions prescribed in regulations;
- (b) officers and men of the reserve force who, being on active service or having applied and been accepted for continuing, full-time military service, are placed in the special force under conditions prescribed in regulations; and
- (c) officers and men not of the regular force or the reserve force who are enrolled in the special force for continuing, full-time military service.

Composition.

(2) The maximum numbers of officers and men in the special force shall be as from time to time authorized by the Governor in Council, and the special force shall include such units and other elements as are embodied therein.

UNITS AND OTHER ELEMENTS.

Organization.

18. (1) The Canadian Forces shall consist of such units and other elements as are from time to time organized by or under the authority of the Minister.

Components.

(2) A unit or other element organized under subsection (1) shall from time to time be embodied in such component of the Canadian Forces as may be directed by or under the authority of the Minister."

1956, c. 18,
s. 5.

3. Subsections (1) and (2) of section 21 of the said Act are repealed and the following substituted therefor:

Com-
mis-
sioned
officers.

"21. (1) Commissions of officers in the Canadian Forces shall be granted by Her Majesty during pleasure.

(2) Persons shall be enrolled as subordinate officers or men for indefinite or fixed periods of service as may be prescribed in regulations made by the Governor in Council.”

Subordinate officers and men.

4. Section 22 of the said Act is repealed and the following substituted therefor:

“22. (1) For the purposes of this Act, the ranks of the officers and men of the Canadian Forces shall be as set out in Column I of the Schedule.

Ranks of officers and men.

(2) The Governor in Council may make regulations prescribing the circumstances in which a person holding a rank set out in Column I of the Schedule shall use, or be referred to by, a designation of rank set out in Column II, III or IV of the Schedule opposite the rank held by him.”

Use of other designations.

5. (1) The Services known before the coming into force of this Part as the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force are embodied in the Canadian Forces.

Embodiment.

(2) The units and other elements of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force existing at the coming into force of this Part shall, subject to the provisions of the *National Defence Act*, continue to be the units and elements of the Canadian Forces.

Units and other elements continued.

6. (1) Officers and men who were members of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force immediately prior to the coming into force of this Part are, subject to the provisions of the *National Defence Act*, members of the Canadian Forces.

Officers and men members of Canadian Forces.

(2) Every officer who immediately prior to the coming into force of this Part held a commission in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force shall be deemed to have been granted a commission in the Canadian Forces and, subject to the provisions of the *National Defence Act*, every officer and man who immediately prior to the coming into force of this Part held a rank in the Royal Canadian Navy, Canadian Army or Royal Canadian Air Force set out in Column II, III or IV of Schedule A shall, on the coming into force of this Part, be deemed to hold the rank in the Canadian Forces set out opposite that rank in Column I of the Schedule.

Continuation of commissions, etc.

(3) Notwithstanding anything in this Act or in the *National Defence Act* and subject to regulations made under subsection (4), where an officer or man was a

Right to release.

member of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force immediately prior to the day on which this Part comes into force and, within two months after that day, makes application in writing to his commanding officer for his release, he is entitled, except in an emergency, to be released within six months after that day.

Right to release subject to prescribed conditions.

(4) Where a person while an officer or man has received university, advanced technical or aircrew training or education at public expense, his right to release under subsection (3) is subject to such conditions as may be prescribed in regulations made by the Governor in Council.

Restriction on employment.

7. Except in an emergency, no officer or man who was a member of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force immediately prior to the coming into force of this Part shall, without his consent, be required to perform any duty in the Canadian Forces that he could not have been required to perform as a member of such Service.

PART II.

CONSEQUENTIAL AND GENERAL.

8. (1) Paragraph (7) of section 2 of the said Act is repealed and the following substituted therefor:

"Court martial."

"(7) "court martial" includes a General Court Martial, a Special General Court Martial, a Disciplinary Court Martial and a Standing Court Martial;"

(2) Paragraph (11) of section 2 of the said Act is repealed and the following substituted therefor:

"Detention barrack."

"(11) "detention barrack" means a place designated as such under subsection (1) of section 169A;"

(3) Paragraphs (15) to (17) of section 2 of the said Act are repealed and the following substituted therefor:

"Her Majesty's Canadian Ship."

"(15) "Her Majesty's Canadian Ship" means any vessel of the Canadian Forces commissioned as a vessel of war;

"Her Majesty's Forces."

(16) "Her Majesty's Forces" means the armed forces of Her Majesty wheresoever raised, and includes the Canadian Forces;

"Man."

(17) "man" means any person, other than an officer, who is enrolled in, or who pursuant to law is attached or seconded otherwise than as an officer to, the Canadian Forces;"

(4) Paragraph (19) of section 2 of the said Act is repealed and the following substituted therefor:

“(19) “military” shall be construed as relating to “Military.” all or any part of the Canadian Forces;”

(5) Paragraph (21) of section 2 of the said Act is repealed and the following substituted therefor:

“(21) “mutiny” means collective insubordination or a combination of two or more persons in the resistance of lawful authority in any of Her Majesty’s Forces or in any forces co-operating therewith;” “Mutiny.”

(6) Paragraph (23) of section 2 of the said Act is repealed and the following substituted therefor:

“(23) “officer” means “Officer.”
 (a) a person who holds Her Majesty’s commission in the Canadian Forces,
 (b) a subordinate officer in the Canadian Forces, and
 (c) any person who pursuant to law is attached or seconded as an officer to the Canadian Forces;”

(7) Paragraph (34) of section 2 of the said Act is repealed and the following substituted therefor:

“(34) “service prison” means a place designated as such under subsection (1) of section 169A;” “Service prison.”

(8) Section 2 of the said Act is further amended by adding thereto, immediately after paragraph (36) thereof, the following paragraph:

“(36a) “subordinate officer” means a person who holds the rank of officer cadet;” “Subordinate officer.”

9. Sections 6 and 6A of the said Act are repealed and the following substituted therefor:

“**6.** The Governor General may at any time by commission under the Great Seal appoint an Associate Minister of National Defence who shall exercise and perform such of the powers, duties and functions of the Minister as may be assigned to him by the Governor in Council.” Associate Minister.

10. Subsection (2) of section 7 of the said Act is repealed. Repeal.

Repeal.

11. Subsection (2) of section 8 of the said Act is repealed.

12. Section 13 of the said Act is amended by adding thereto the following subsection:

By Treasury Board.

“(3) The Treasury Board may make regulations prescribing the rates and conditions of issue of pay and allowances of officers and men and the forfeitures and deductions to which the pay and allowances of officers and men are subject.”

13. Section 14 of the said Act is repealed and the following substituted therefor:

Limitation upon Minister's power.

“**14.** Where in any section of this Act, other than section 13, there is express reference to regulations made or prescribed by the Governor in Council or the Treasury Board in respect of any matter, the Minister does not have power to make regulations pertaining to that matter.”

14. Section 26 of the said Act is repealed and the following substituted therefor:

Consent to transfer.

“**26.** No officer or man shall without his consent be transferred from the regular force to the reserve force or from the reserve force to the regular force.”

15. Subsections (1) and (2) of section 27 of the said Act are repealed and the following substituted therefor:

Effect of receipt of pay if not enrolled.

“**27.** (1) Where, although not enrolled or re-engaged for service, a person has received pay as an officer or man, he is, until he claims his release and is released, deemed to be an officer or man, as the case may be, of the component of the Canadian Forces through which he received pay and to be subject to this Act as if he were such an officer or man duly enrolled or re-engaged for service.

Effect of receipt of pay if irregularly enrolled.

(2) Where, although there has been an error or irregularity in his enrolment or re-engagement, a person has received pay as an officer or man of that component of the Canadian Forces in which he was erroneously or irregularly enrolled or re-engaged, that person is deemed to be an officer or man, as the case may be, regularly enrolled or re-engaged, and is not, except as provided in subsection (3), entitled to be released on the ground of the error or irregularity.”

16. Section 28 of the said Act is repealed and the following substituted therefor:

"28. An officer or man may be attached or seconded to another component of the Canadian Forces or to any department or agency of government, any public or private institution, private industry or any other body in such manner and under such conditions as are prescribed in any other Act or in regulations, but no officer or man of the reserve force who is not serving on active service shall without his consent be attached or seconded pursuant to this section."

Conditions.

17. Sections 32 to 36 of the said Act are repealed and the following substituted therefor:

"32. (1) The Governor in Council may place the Canadian Forces or any component, unit or other element thereof or any officer or man thereof on active service anywhere in or beyond Canada at any time when it appears advisable so to do

Placing forces on active service.

- (a) by reason of an emergency, for the defence of Canada; or
- (b) in consequence of any action undertaken by Canada under the United Nations Charter, the North Atlantic Treaty or any other similar instrument for collective defence that may be entered into by Canada.

(2) An officer or man who is a member of, serving with, or attached or seconded to, a component, unit or other element of the Canadian Forces that has been placed on active service, or who has been placed on active service, or who pursuant to law has been attached or seconded to a portion of a force that has been placed on active service, shall be deemed to be on active service for all purposes.

Effect on status of officers and men.

33. Whenever the Governor in Council places the Canadian Forces or any component or unit thereof on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Proclamation for meeting of Parliament.

SERVICE.

Liability of
regular force.

34. (1) The regular force, all units and other elements thereof and all officers and men thereof are at all times liable to perform any lawful duty.

Liability of
reserve
force.

(2) The reserve force, all units and other elements thereof and all officers and men thereof

(a) may be ordered to train for such periods as are prescribed in regulations made by the Governor in Council; and

(b) may be called out on service to perform any military duty other than training at such times and in such manner as by regulations or otherwise are prescribed by the Governor in Council.

Exception in
case of
reserve
force.

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve force who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Special
liability of
regular force
in national
disaster.

35. (1) Where the Governor in Council has declared that a disaster exists or is imminent that is, or is likely to be, so serious as to be of national concern, the regular force or any unit or other element thereof or any officer or man thereof is liable to perform such services in respect of the disaster, existing or imminent, as the Minister may authorize, and the performance of such services shall be deemed to be military duty.

Special
liability of
reserve force
in national
disaster.

(2) Where the Governor in Council declares that a disaster as mentioned in subsection (1) exists or is imminent and that the services of the reserve force are required for the purpose of rendering assistance in respect of the disaster, existing or imminent, the Governor in Council may authorize the reserve force or any unit or other element thereof or any officer or man thereof to be called out on service for that purpose and all officers and men while so called out shall be deemed to be performing military duty.

Exception
in case of
reserve
force.

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve force who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

PAY AND ALLOWANCES.

36. The pay and allowances of officers and men shall be at such rates, issued under such conditions and subject to such forfeitures and deductions as are prescribed in regulations made by the Treasury Board.” Rates, etc.

18. (1) Subsection (2) of section 39 of the said Act is repealed and the following substituted therefor: 1964-65, c. 21,
s. 2(1).

“(2) The non-public property of every disbanded unit or other disbanded element of the Canadian Forces vested in the officer in command of that unit or other element shall pass to and vest in the Chief of the Defence Staff, and may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants.” Non-public
property of
unit.

(2) Subsection (4) of section 39 of the said Act is repealed and the following substituted therefor: 1964-65, c. 21,
s. 2(1).

“(4) Non-public property acquired by contribution but not contributed to any specific unit or other element of the Canadian Forces shall vest in the Chief of the Defence Staff and, subject to any specific directions by the contributor as to its disposal, may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants.” Other non-
public
property.

19. Section 43 of the said Act is amended by adding thereto the following subsection:

“(2) A board of inquiry may administer oaths and take and receive affidavits, declarations and affirmations relating to any matter the board is convened to investigate.” Affidavits,
etc.

20. Subsection (1) of section 44 of the said Act is repealed and the following substituted therefor:

“(44. (1) The Minister may authorize the formation of cadet organizations under the control and supervision of the Canadian Forces to consist of boys not less than twelve years of age and who have not attained the age of nineteen years.” Formation.

21. Subsection (2) of section 49 of the said Act is repealed and the following substituted therefor:

By mail.

“(2) All regulations and all orders and instructions relating to or in any way affecting an officer or man of the reserve force, other than an officer or man who is serving with a unit or other element, when sent to him by registered mail, addressed to his last known place of abode or business, shall be held to be sufficiently notified.”

22. (1) Paragraphs (a) and (b) of subsection (1) of section 56 of the said Act are repealed and the following substituted therefor:

- “(a) an officer or man of the regular force;
- (b) an officer or man of the special force;”

(2) All that portion of paragraph (c) of subsection (1) of section 56 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

“(c) an officer or man of the reserve force when he is”

(3) Subparagraph (ix) of paragraph (c) of subsection (1) of section 56 of the said Act is repealed and the following substituted therefor:

“(ix) serving with any unit or other element of the regular force or the special force, or”

(4) Paragraph (d) of subsection (1) of section 56 of the said Act is repealed and the following substituted therefor:

“(d) subject to such exceptions, adaptations and modifications as the Governor in Council may by regulations prescribe, a person who, pursuant to law or pursuant to an agreement between Canada and the state in whose armed forces he is serving, is attached or seconded as an officer or man to the Canadian Forces;”

(5) Paragraph (j) of subsection (1) of section 56 of the said Act is repealed and the following substituted therefor:

“(j) a person, not otherwise subject to the Code of Service Discipline, while serving with the

Canadian Forces under an engagement with the Minister whereby he agreed to be subject to that Code."

(6) The heading preceding subsection (4) and subsections (4) to (7) of section 56 of the said Act are repealed.

(7) Subsections (7b) to (13) of section 56 of the said Act are repealed and the following substituted therefor:

1953-54,
c. 13, s. 10.

"(8) Every person mentioned in paragraph (f) of subsection (1) who, while accompanying any unit or other element of the Canadian Forces, is alleged to have committed a service offence, shall be treated as a man, unless he holds from the commanding officer of the unit or other element of the Canadian Forces that he accompanies or from any other officer prescribed by the Minister for that purpose, a certificate, revocable at the pleasure of the officer who issued it or of any other officer of equal or higher rank, entitling such person to be treated on the footing of an officer, in which case he shall be treated as an officer in respect of any offence alleged to have been committed by him while holding that certificate.

How persons accompanying Canadian Forces to be treated.

(9) Every person mentioned in subsection (8) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Canadian Forces that such person accompanies.

Command.

Spies for the Enemy.

(10) Every person mentioned in paragraph (h) of subsection (1) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Canadian Forces that may be holding him in custody from time to time.

Deemed under command of unit holding him.

Released Persons Serving Sentence.

(11) Every person mentioned in paragraph (i) of subsection (1) who is alleged to have committed, during the currency of his imprisonment or detention, a service offence, shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the service prison or detention barrack, as the case may be, in which he is imprisoned or detained.

Deemed under command of prison commander.

Persons under Special Engagement.

How to be
treated.

(12) Every person mentioned in paragraph (j) of subsection (1) who, while serving with the Canadian Forces, is alleged to have committed a service offence, shall be treated as a man, unless the terms of the agreement under which he was engaged entitle him to be treated as an officer, in which case he shall be treated as an officer.

Command.

(13) Every person mentioned in subsection (12) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Canadian Forces in which that person is serving."

1956, c. 18,
s. 6.

(8) Subsection (15) of section 56 of the said Act is repealed and the following substituted therefor:

"Persons under Command of Superior Officer.

Command-
ing officer
deemed
superior
officer of
certain
persons.

(15) Every person subject to the Code of Service Discipline by virtue of paragraph (f), (g), (i) or (j) of subsection (1), shall, for the purposes of preparation, practice or execution of any plan, arrangement or manoeuvre for the defence or evacuation of any area in the event of attack, be under the command of the commanding officer of the unit or other element of the Canadian Forces that he is accompanying or with which he is serving or is in attendance and such commanding officer shall for such purposes be deemed to be a superior officer of such person, but nothing in this subsection shall be construed as requiring any such person to bear arms or to participate in any active operations against the enemy."

23. Subsections (2) and (3) of section 79 of the said Act are repealed and the following substituted therefor:

Definition.

- "(2) A person deserts who,
- (a) being on or having been warned for active service, duty during an emergency or other important service, is absent without authority with the intention of avoiding that service;
 - (b) having been warned that his vessel is under sailing orders, is absent without authority with the intention of missing that vessel;
 - (c) absents himself without authority from his place of duty with the intention of remaining absent from his place of duty;

- (d) is absent without authority from his place of duty and at any time during such absence forms the intention of remaining absent from his place of duty; or
- (e) while absent with authority from his place of duty, with the intention of remaining absent from his place of duty, does any act or omits to do anything the natural and probable consequence of which act or omission is to preclude his being at his place of duty at the time required.

(3) A person who has been absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed to have had the intention of remaining absent from his place of duty."

Presumption
of desertion.

24. Paragraph (b) of section 80 of the said Act is repealed and the following substituted therefor:

"(b) fails to take any steps in his power to cause the apprehension of a person whom he knows, or has reasonable cause to believe, to be a deserter,"

25. Subsection (2) of section 81 of the said Act is repealed and the following substituted therefor:

- "(2) A person absents himself without leave who
 - (a) without authority leaves his place of duty;
 - (b) without authority is absent from his place of duty; or
 - (c) having been authorized to be absent from his place of duty, fails to return to his place of duty at the expiration of the period for which his absence was authorized."

Definition.

26. Section 88 of the said Act is repealed and the following substituted therefor:

"**88.** (1) Drunkenness is an offence and every person convicted thereof is liable to imprisonment for less than two years or to less punishment, except that, where the offence is committed by a man who is not on active service or on duty or who has not been warned for duty, no punishment of imprisonment, and no punishment of detention for a term in excess of ninety days, shall be imposed.

Drunkenness.

When
committed.

(2) For the purposes of subsection (1), the offence of drunkenness is committed where a person, owing to the influence of alcohol or a drug,

(a) is unfit to be entrusted with any duty he is or may be required to perform; or

(b) behaves in a disorderly manner or in a manner likely to bring discredit on Her Majesty's service."

27. The said Act is further amended by adding thereto, immediately after section 96 thereof, the following section:

Disobedience
of captain's
orders.

"**96A.** (1) Every person who, when in a ship, disobeys any lawful command given by the captain of the ship in relation to the navigation or handling of the ship or affecting the safety of the ship, whether or not the captain is subject to the Code of Service Discipline, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

Command
in ship.

(2) For the purposes of this section, every person whatever his rank shall, when he is in a ship, be under the command, as respects all matters relating to the navigation or handling of the ship or affecting the safety of the ship, of the captain of the ship, whether or not the latter is subject to the Code of Service Discipline."

28. Paragraph (f) of section 107 of the said Act is repealed and the following substituted therefor:

"(f) commits any act of a fraudulent nature not particularly specified in sections 64 to 117A."

1953-54,
c. 13, s. 13.

29. (1) Paragraph (b) of subsection (3) of section 118 of the said Act is repealed and the following substituted therefor:

"(b) any regulations, orders or instructions published for the general information and guidance of the Canadian Forces or any part thereof; or"

(2) Subsection (4) of section 118 of the said Act is repealed and the following substituted therefor:

Attempt to
commit
offences.

"(4) An attempt to commit any of the offences prescribed in sections 64 to 117A is an act, conduct, disorder or neglect to the prejudice of good order and discipline."

30. Paragraph (a) of subsection (2) of section 119 of the said Act is repealed and the following substituted therefor:

“(a) if the conviction was in respect of an offence committed in Canada, and under Part XII of this Act, the *Criminal Code* or other Act of the Parliament of Canada a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or”

31. The said Act is further amended by adding thereto, immediately after section 120 thereof, the following sections:

“**120A.** (1) Where the complete commission of an offence charged is not proved but the evidence establishes an attempt to commit the offence, the accused may be convicted of the attempt. Offence charged, attempt proved.

(2) Where an attempt to commit an offence is charged but the evidence establishes the commission of the complete offence, the accused is not entitled to be acquitted, but the service tribunal may convict him of the attempt unless Attempt charged, full offence proved.

(a) in the case of a court martial, the officer who convened the court, in his discretion, discharges the court from making a finding on the charge and directs that the accused be charged with the complete offence; or

(b) in the case of a summary trial, the officer presiding at the trial, in his discretion, does not make a finding on the charge and directs that the accused be charged with the complete offence.

(3) An accused who is convicted under subsection (2) of an attempt to commit an offence is not liable to be tried again for the offence that he was charged with attempting to commit. Conviction a bar.

120B. Where a service tribunal concludes that Tribunal may make special finding.

(a) the facts proved in respect of an offence being tried by it differ materially from the facts alleged in the statement of particulars, but are sufficient to establish the commission of the offence charged, and

(b) the difference between the facts proved and the facts alleged in the statement of particulars has not prejudiced the accused in his defence,

the tribunal may, instead of making a finding of not guilty, make a special finding of guilty and in doing so shall state the differences between the facts proved and the facts alleged in the statement of particulars."

32. (1) Paragraph (i) of subsection (1) of section 121 of the said Act is repealed.

(2) Paragraph (f) of subsection (4) of section 121 of the said Act is repealed and the following substituted therefor:

"(f) in the case of a man above the rank of private, a sentence that includes a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal; and"

(3) Paragraph (c) of subsection (7) of section 121 of the said Act is repealed and the following substituted therefor:

"(c) in the case of a man above the rank of private, a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal."

(4) Subsection (8) of section 121 of the said Act is repealed and the following substituted therefor:

Application.

"(8) The punishment of reduction in rank shall apply to officers above the rank of second lieutenant and to men above the rank of private."

(5) The heading preceding subsection (11) of section 121 and subsection (11) of the said Act are repealed.

(6) Subsection (12) of section 121 of the said Act is repealed and the following substituted therefor:

"(12) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or man,

Conditions
relating to
fines.

three months basic pay, and, in the case of any other person, the sum of five hundred dollars, and the terms of payment of a fine shall lie within the discretion of the commanding officer of the person so punished."

33. Subsection (3) of section 126 of the said Act is repealed.

34. The said Act is further amended by adding thereto, immediately after section 126 thereof, the following heading and section:

"PRESUMPTION OF SANITY.

126A. Every person shall, until the contrary is proved, be presumed to be and to have been sane." Presumption of sanity.

35. Subsection (3) of section 128 of the said Act is repealed.

36. (1) Subparagraph (i) of paragraph (a) of subsection (2) of section 136 of the said Act is repealed and the following substituted therefor:

“(i) a punishment of detention imposed by a commanding officer upon a man above the rank of private shall not be carried into effect until approved by an approving authority and only to the extent so approved, and”

(2) Subsection (2a) of section 136 of the said Act is repealed and the following substituted therefor: R.S., c. 310, s. 2(7).

“(2a) In subsection (2) “approving authority” means “Approving authority.”

(a) any officer not below the rank of brigadier-general; or

(b) an officer not below the rank of colonel designated by the Minister as an approving authority for the purposes of this section.”

37. Subsection (1) of section 137 of the said Act is repealed and the following substituted therefor:

“137. (1) An officer of or above the rank of brigadier-general, or any other officer prescribed or appointed by the Minister for that purpose, referred to in this section as a “superior commander”, may in his Jurisdiction.

discretion try by summary trial an officer below the rank of lieutenant-colonel or a man above the rank of sergeant, charged with having committed a service offence, and the Governor in Council may extend the provisions of this section to cases where the accused person is of the rank of lieutenant-colonel."

38. Subsection (2) of section 138 of the said Act is repealed and the following substituted therefor:

Officers of
other forces
may be
appointed.

"(2) An authority who convenes a court martial under subsection (1) may appoint, as members of the court martial, officers of the Canadian Forces or officers of any armed forces who are attached, seconded or loaned to the Canadian Forces."

39. Subsections (2) to (5) of section 140 of the said Act are repealed and the following substituted therefor:

Appointment
of president.

"(2) The president of a General Court Martial shall be an officer of or above the rank of colonel and shall be appointed by the authority convening the General Court Martial or by an officer empowered by that authority to appoint the president.

Trial of
brigadier-
general or
above.

(3) Where the accused person is of or above the rank of brigadier-general, the president of a General Court Martial shall be an officer of or above the rank of the accused person, and the other members of the court martial shall be of or above the rank of colonel.

Trial of a
colonel.

(4) Where the accused person is of the rank of colonel, all of the members of a General Court Martial, other than the president, shall be of or above the rank of lieutenant-colonel.

Trial of a
lieutenant-
colonel.

(5) Where the accused person is a lieutenant-colonel, at least two of the members of a General Court Martial, exclusive of the president, shall be of or above the rank of the accused person."

40. Paragraph (g) of section 142 of the said Act is repealed and the following substituted therefor:

"(g) an officer below the rank of captain; or"

41. Subsection (2) of section 146 of the said Act is repealed and the following substituted therefor:

Rank of
president.

"(2) The president of a Disciplinary Court Martial shall be an officer of or above the rank of major or of or above such higher rank as may be prescribed in regulations."

42. Subsection (1) of section 149 of the said Act is repealed and the following substituted therefor:

"149. (1) The Governor in Council may establish Constitution.
Standing Courts Martial and each such court martial shall consist of one officer, to be called the president, who is or has been a barrister or advocate of more than three years' standing and who shall be appointed by or under the authority of the Minister."

43. The said Act is further amended by adding thereto, immediately after section 149 thereof, the following heading and section:

"SPECIAL GENERAL COURTS MARTIAL.

149A. Notwithstanding anything in this Act, where a person other than an officer or man is to be tried by a court martial, he may be tried by a Special General Court Martial consisting of a person, designated by the Minister, who is or has been a judge of a superior court in Canada, or is a barrister or advocate of at least ten years' standing and, subject to such modifications and additions as the Governor in Council may prescribe, the provisions of this Act and the regulations relating to trials of accused persons by General Courts Martial and to their conviction, sentence and punishment are applicable to trials by a Special General Court Martial established under this section, and to the conviction, sentence and punishment of persons so tried." Special
General
Court
Martial.

44. Subsection (4) of section 162 of the said Act is repealed and the following substituted therefor: 1955, c. 28,
s. 7(2).

"(4) Where a judge advocate has been appointed to officiate at a court martial, he may, in such circumstances and subject to such conditions and procedures as are prescribed in regulations made by the Governor in Council, determine questions of law or mixed law and fact arising before or after the commencement of the trial." Questions
of law.

45. (1) Subsection (1) of section 172A is repealed and the following substituted therefor: 1955, c. 28,
s. 9(1).

"172A. (1) Where a service tribunal has found a person guilty of an offence and the Judge Advocate General certifies that in his opinion a new trial is New trial.

advisable by reason of an irregularity in law in the proceedings before the service tribunal, the Minister may set aside the finding of guilty and direct a new trial, in which case that person shall be tried again on any appropriate charge as if no previous trial had been held."

1955, c. 28,
s. 9(1).

(2) Subsection (3) of section 172A of the said Act is repealed and the following substituted therefor:

Minister may
dispense with
new trial.

"(3) The Minister may dispense with any new trial directed under this section or under section 191 or 196."

46. Section 180 of the said Act is repealed and the following substituted therefor:

Rules of
penitentiaries
and civil
prisons with
apply.

"180. (1) While a service convict is undergoing punishment in a penitentiary or a service prisoner is undergoing punishment in a civil prison, he shall be dealt with in the same manner as other prisoners in the place where he is undergoing punishment, and all rules applicable in respect of a person sentenced by a civil court to imprisonment in a penitentiary or civil prison, as the case may be, in so far as circumstances permit, apply accordingly.

Jurisdiction
of National
Parole
Board.

(2) Where the punishment of a service convict undergoing punishment in a penitentiary or a service prisoner undergoing punishment in a civil prison is not suspended, mitigated, commuted or remitted under this Act within six months from the date of his committal to that penitentiary or civil prison, the National Parole Board has, notwithstanding anything in this Act but subject to the *Parole Act*, exclusive jurisdiction and absolute discretion to grant, refuse to grant or revoke the parole of that person."

47. Section 201 of the said Act is repealed and the following substituted therefor:

Oaths.

"201. Every person when required to give evidence on oath under this Act shall take his oath in the form prescribed in regulations and that oath, in respect of any prosecution under the *Criminal Code*, has the same force and effect as an oath taken before a civil court."

1956, c. 18,
s. 13.

48. Subsection (1) of section 209 of the said Act is repealed and the following substituted therefor:

Duties or
tolls on roads,
bridges, etc

"209. (1) No duties or tolls, otherwise payable by law in respect of the use of any pier, wharf, quay,

landing-place, highway, road, right of way, bridge or canal, shall be paid by or demanded from any unit or other element of the Canadian Forces or any officer or man when on duty or any person under escort or in respect of the movement of any materiel, except that the Minister may authorize payment of duties and tolls in respect of such use."

49. Section 212 of the said Act is repealed and the following substituted therefor:

"**212.** Unless the Governor in Council otherwise directs, the *Government Vessels Discipline Act* does not apply to Her Majesty's Canadian Ships or to any other ship or vessel of the Canadian Forces or to the officers, men or other persons serving or engaged for service therein, or to officers and men serving in the regular force, the special force, or the reserve force when on service or on active service."

When applicable.

50. Section 214 of the said Act is repealed and the following substituted therefor:

"**214.** Every officer and man of the reserve force on active service and every officer and man of the regular force and special force is exempt from serving on a jury."

Exemption from jury service.

51. Section 217B of the said Act is repealed and the following substituted therefor:

1955, c. 28, s. 14.

"**217B.** Where a person subject to the Code of Service Discipline does any act or omits to do anything while outside Canada which, if done or omitted in Canada by that person would be an offence punishable by a civil court, that offence is within the competence of, and may be tried and punished by, a civil court having jurisdiction in respect of such an offence in the place in Canada where that person is found in the same manner as if the offence had been committed in that place, or by any other court to which jurisdiction has been lawfully transferred."

Offences committed outside Canada.

52. Section 218 of the said Act is repealed and the following substituted therefor:

"**218.** For the purposes of this Part, "Attorney General" means the Attorney General of any province of Canada, or the acting Attorney General of a prov-

"Attorney General" defined.

ince, or any minister of a government of a province performing for the time being the duties of a provincial Attorney General."

53. Sections 220 to 223 of the said Act are repealed and the following substituted therefor:

Exception in
case of
certain
reserves.

"**220.** Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve force who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.

Attorney
General of
province may
requisition.

221. In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney General of the province in which is situated the place where the riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing addressed to the Chief of the Defence Staff require the Canadian Forces, or such part thereof as the Chief of the Defence Staff or such officer as he may designate considers necessary, to be called out on service in aid of the civil power.

Call out of
Canadian
Forces.

222. Upon receiving a requisition in writing made by an Attorney General under section 221, the Chief of the Defence Staff, or such officer as he may designate, shall call out such part of the Canadian Forces as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur.

Form of
requisition.

223. A requisition of an Attorney General under this Part may be in the following form, or to the like effect, and the form may, subject to section 224, be varied to suit the facts of the case:

Province of

To Wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county)

(district) court having jurisdiction in _____)
 that a riot or disturbance of the peace beyond the
 powers of the civil authorities to suppress (or to
 prevent or to deal with) and requiring the aid of
 the Canadian Forces to that end has occurred and
 is in progress (or is considered as likely to occur)
 at _____ ;

And whereas it has been made to appear to my
 satisfaction that the Canadian Forces are required
 in aid of the civil power;

Now therefore I, _____ ,

the Attorney General of _____ ,
 under and by virtue of the powers conferred by the
National Defence Act, do hereby require you to call
 out the Canadian Forces or such part thereof as
 you consider necessary for the purpose of suppress-
 ing (or preventing or dealing with) the riot or
 disturbance;

And for and on behalf of the Province of _____
 _____ , I the said
 Attorney General, hereby undertake that all ex-
 penses and costs, incurred by Her Majesty by
 reason of the Canadian Forces or any part thereof
 being called out on service in aid of the civil power
 pursuant to this requisition, shall be paid to Her
 Majesty by the said Province.

Dated at _____ , this
 day of _____ , 19 _____ .

Attorney General. ”

54. Subsection (5) of section 224 of the said Act
 is repealed and the following substituted therefor:

“(5) A statement of fact contained in a requisition
 made under this Part is not open to dispute by the
 Chief of the Defence Staff.”

Statement
 not open to
 dispute.

1964-65, c. 21,
s. 9.

55. Sections 226 and 227 of the said Act are repealed and the following substituted therefor:

Duration of
aid of civil
power.

"226. The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Chief of the Defence Staff or such officer as he may designate deems necessary or orders, until notification is received from the Attorney General that the Canadian Forces are no longer required in aid of the civil power; and the Chief of the Defence Staff may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out.

Province to
pay expenses.

227. All expenses and costs incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out under this Part in aid of the civil power, shall be paid to Her Majesty by the province the Attorney General of which made the requisition requiring the Canadian Forces or any part thereof to be called out."

56. The said Act is further amended by adding thereto, immediately after section 233 thereof, the following section:

Unlawful
use of names,
etc.

"233A. (1) Every person who uses

- (a) the words "Canadian Forces" or "Canadian Armed Forces" or the name of any component, unit or other element thereof or any abbreviation thereof or any words or letters likely to be mistaken therefor,
- (b) any picture or other representation of a member of the Canadian Forces, or
- (c) any uniform, mark, badge or insignia in use in the Canadian Forces,

in any advertising or in any trade or service, having been requested in writing by the Minister to cease such usage, is guilty of an offence punishable on summary conviction.

Consent of
Minister.

(2) No proceedings in respect of an offence under this section shall be instituted without the consent of the Minister."

57. Section 236 of the said Act is repealed and the following substituted therefor:

Failure to
attend
parade.

"236. (1) Every officer or man of the reserve force who without lawful excuse neglects or refuses to attend any parade or training at the place and hour

appointed therefor is guilty of an offence and is liable on summary conviction for each offence, if an officer to a fine not exceeding fifty dollars, and if a man to a fine not exceeding twenty-five dollars.

(2) Absence from any parade or training mentioned in subsection (1) is, in respect of each day on which such absence occurs, a separate offence.”

Each
absence an
offence.

58. Sections 237 to 239 of the said Act are repealed and the following substituted therefor:

“**237.** Every officer or man of the reserve force who fails to keep in proper order any personal equipment or who appears on parade or on any other occasion with his personal equipment out of proper order, unserviceable or deficient in any respect is guilty of an offence and is liable on summary conviction to a fine not exceeding forty dollars for each offence.

Neglecting
personal
equipment.

238. Every person who without reasonable excuse interrupts or hinders the Canadian Forces while training or while on the march is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars, and may be taken into custody and detained by any person by the order of an officer until such training or march is over for the day.

Interruption
of training.

239. Every person who without reasonable excuse obstructs or interferes with manoeuvres authorized under section 205 is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.”

Hampering
manoeuvres.

59. All that portion of subsection (1) of section 240 of the said Act following paragraph (c) thereof is repealed and the following substituted therefor:

“is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars for each offence.”

60. Sections 245 and 246 of the said Act are repealed and the following substituted therefor:

“**245.** Every person employed in connection with any property, control of which has been taken by Her Majesty under section 206, who does not obey the directions of the Minister or such person as is named in any warrant issued by the Minister is guilty of an

Failure to
obey direc-
tions
respecting
property
taken over,
etc.

offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Breach of regulations respecting billeting, etc.

246. Every person who contravenes regulations respecting the quartering, billeting and encamping of a unit or other element of the Canadian Forces, or of an officer or man is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars."

61. Section 248 of the said Act is repealed and the following substituted therefor:

Failure to comply with convoy orders.

"**248.** Every person who fails to comply with directions given under section 210 is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment."

Schedule.

62. The said Act is further amended by adding thereto the Schedule set out in Schedule A.

References.

63. Whenever in any regulation, rule or order, or in any contract, lease or other document,

- (a) the "Royal Canadian Navy", "Canadian Army" or "Royal Canadian Air Force", is mentioned or referred to, such mention or reference shall be construed as including a mention of or reference to the "Canadian Forces",
- (b) the "regular forces", "reserve forces" or "active service forces" are mentioned or referred to, such mention or reference shall be construed as including a mention of or reference to the "regular force", "reserve force" or "special force", respectively, and
- (c) any rank set out in Column II, III or IV of Schedule A is mentioned or referred to, such mention or reference shall be construed as including a mention of or reference to the rank set out opposite that rank in Column I of Schedule A.

64. The Acts and portions of Acts set out in Schedule B are repealed or amended in the manner and to the extent indicated in that Schedule.

COMING INTO FORCE.

65. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council. ^{Coming into force.}

SCHEDULE A.

SCHEDULE.

I	II	III	IV
OFFICERS			
1. General	Admiral	General	Air Chief Marshal
2. Lieutenant-General	Vice-Admiral	Lieutenant-General	Air Marshal
3. Major-General	Rear-Admiral	Major-General	Air Vice-Marshal
4. Brigadier-General	Commodore	Brigadier	Air Commodore
5. Colonel	Captain	Colonel	Group Captain
6. Lieutenant-Colonel	Commander	Lieutenant-Colonel	Wing Commander
7. Major	Lieutenant-Commander	Major	Squadron Leader
8. Captain	Lieutenant	Captain	Flight Lieutenant
9. Lieutenant	Sub-Lieutenant Commissioned Officer	Lieutenant	Flying Officer
10. Second Lieutenant	Acting Sub-Lieutenant	2nd Lieutenant	Pilot Officer
11. Officer Cadet	Midshipman Naval Cadet	Provisional 2nd Lieutenant Officer Cadet	Officer Cadet
MEN			
12. Chief Warrant Officer	Chief Petty Officer, 1st Class	Warrant Officer, Class 1	Warrant Officer, Class 1
13. Master Warrant Officer	Chief Petty Officer, 2nd Class	Warrant Officer, Class 2	Warrant Officer, Class 2
14. Warrant Officer	Petty Officer, 1st Class	Squadron-Quartermaster-Sergeant, Battery-Quartermaster-Sergeant, Company-Quartermaster-Sergeant, Staff Sergeant	Flight Sergeant
15. Sergeant	Petty Officer 2nd Class	Sergeant	Sergeant
16. Corporal	Leading Seaman	Corporal Bombardier	Corporal
17. Private	Able Seaman Ordinary Seaman	Trooper Gunner Sapper Signalman Private Guardsman Fusilier Rifleman Craftsman	Aircraftman

SCHEDULE B.

Amendments and Repeals.

Act affected.	Repeal or amendment.
Canada Elections Act, 1960, c. 39	<ol style="list-style-type: none"> 1. Subsection (12) of section 16 is amended by substituting the words "Canadian Forces" for the words "naval, army or air forces of Canada." 2. Paragraph (f) of subsection (2) of section 20 is amended by substituting the words "reserve force" for the words "reserve forces." 3. Subsection (1) of section 27 of Schedule II is repealed and the following substituted therefor: <p data-bbox="467 643 959 1097">"27. (1) As soon as possible after the general election has been ordered, the Chief Electoral Officer shall inform the Minister of National Defence of the names and addresses of the special returning officers appointed to superintend the taking, receiving, sorting, and counting of the votes of Canadian Forces electors, setting out the voting territory assigned to each of them; in the case of each voting territory, the Minister shall designate one or more members of the Canadian Forces to act as liaison officers in connection with the taking of the votes of Canadian Forces electors, and the Minister shall inform the Chief Electoral Officer of the name, rank, and post office address of each liaison officer so designated."</p> 4. Whenever in Schedule II the terms "regular forces", "reserve forces", "active service forces" or "naval, army or air forces of Canada" are used there shall in each and every case be substituted the terms "regular force", "reserve force", "special force" and "Canadian Forces", respectively.
Canada Shipping Act R.S., c. 29	<ol style="list-style-type: none"> 1. Subsection (3) of section 91 is repealed and the following substituted therefor: <p data-bbox="467 1378 959 1502">"(3) Any commissioned officer on full pay in the Canadian Forces or in the armed forces of Her Majesty other than the Canadian Forces or any officer of Customs in Her Majesty's dominions, or</p>

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

any consular officer, may board any ship or boat registered in Canada or owned by any resident of Canada on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to Her Majesty."

2. Paragraph (a) of subsection (1) of section 93 is repealed and the following substituted therefor:

"(a) any commissioned officer on full pay in the Canadian Forces or in the armed forces of Her Majesty other than the Canadian Forces,"

3. Subsection (1) of section 122 is repealed and the following substituted therefor:

"122. (1) A person who has attained the rank of captain in the Canadian Forces and who holds an upper deck watch-keeping certificate is entitled to receive from the Minister a certificate of service as master of a foreign-going steamship without examination."

4. Subsection (1) of section 508 is repealed and the following substituted therefor:

"508. (1) When a receiver is not present any chief officer of Customs, fishery officer, or stipendiary magistrate on board any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, officer of Customs, sheriff, justice of the peace, officer of the regular force of the Canadian Forces or lighthouse keeper employed by the Government of Canada, may do all matters and things by this Part authorized to be done by the receiver, for the preservation of vessels, shipwrecked persons and wreck."

5. Subsection (4) of section 508 is repealed.

SCHEDULE B—*Continued*.

Act affected.	Repeal or amendment.
Canadian Forces Superannuation Act 1959, c. 21	<p>1. Paragraph (c) of subsection (1) of section 2 is repealed and the following substituted therefor:</p> <p>“(c) “forces” means the regular force of the Canadian Forces and includes</p> <ul style="list-style-type: none"> (i) the forces known before the coming into force of Part I of the <i>Canadian Forces Reorganization Act</i> as the regular forces of the Canadian Forces, and (ii) the forces known before the coming into force of Part II of the <i>National Defence Act</i> as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;” <p>2. Clauses (G) and (H) of subparagraph (ii) of paragraph (b) of section 5 are repealed and the following substituted therefor:</p> <p>“(G) any continuous period of full-time service of six months or more in the Canadian Forces or in the naval, army or air forces of Her Majesty raised by Canada, other than the forces, if he elects, within one year of becoming a contributor under this Act, to pay for that service,</p> <p>(H) one-fourth of any period of service in the Canadian Forces or in the naval, army or air forces of Her Majesty raised by Canada, other than the forces, during which he was liable to be called out for periodic training or duty by the Governor in Council otherwise than during an emergency (except any such service that may be counted by him under clause (C) or (G) of this subparagraph), if he elects, within one year of becoming a contributor under this Act to pay for that service,”</p>

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

3. Subsection (4) of section 17 is repealed and the following substituted therefor:

“(4) For the purposes of this Act, where a person who has become entitled to an annuity under this Act or a pension under Part V of the former Act by virtue of having served in the forces is enrolled in any of the naval, army or air forces of Her Majesty raised by Canada or in the Canadian Forces, other than the forces, he shall, upon the expiration of any continuous period of full-time service therein of one year ending after the coming into force of this Act, be deemed to have become re-enrolled in the forces at the commencement of that period, and, in any such case, the provisions of section 4 shall be deemed to have applied in respect of that period whether that period commenced before or after the coming into force of this Act, but nothing in this section shall be held to require the repayment by him of such part of that annuity or pension as, during that period, he was entitled under subsection (2) of this section or subsection (1) of section 60 of the former Act to receive.”

4. Paragraph (*da*) of subsection (1) of section 21 is repealed and the following substituted therefor:

“(da) specifying, notwithstanding anything in this Act, the extent to which and the circumstances under which any annuity or pension payable under this Act or the former Act to any person who holds any office or position or performs any services, the remuneration for which is payable out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada, shall be reduced or suspended;”

5. Clause (B) of subparagraph (i) of paragraph (f) of subsection (1) of section 44 is repealed and the following substituted therefor:

SCHEDULE B—*Continued*

Act affected.	Repeal or amendment.
	<p>“(B) three thousand dollars per annum if his rank is lower than warrant officer, or five thousand dollars per annum if his rank is warrant officer or higher, and”</p>
	<p>6. Clause (B) of subparagraph (ii) of paragraph (f) of subsection (1) of section 44 is repealed and the following substituted therefor:</p>
	<p>“(B) three thousand dollars per annum if his rank at the time he ceased to be a member of the regular forces was lower than chief petty officer in the Royal Canadian Navy, warrant officer in the Canadian Army or Royal Canadian Air Force or warrant officer in the Canadian Forces, or five thousand dollars per annum if his rank at that time was chief petty officer or higher in the Royal Canadian Navy, warrant officer or higher in the Canadian Army or Royal Canadian Air Force or warrant officer or higher in the Canadian Forces,”</p>
<p>Civilian War Pensions and Allowances Act R.S., c. 51.</p>	<p>1. All that portion of subsection (1) of section 7, preceding paragraph (a), is repealed and the following substituted therefor:</p>
	<p>“7. (1) Subject to this Part, pensions shall be awarded in accordance with the rates set forth in Schedules A and B of the <i>Pension Act</i> for members of the naval forces of Canada or the Canadian Forces, to or in respect of,”</p>
	<p>2. Section 8 is repealed and the following substituted therefor:</p>
	<p>“8. The rate of pension to be awarded to or in respect of a person mentioned in section 7 shall be determined according to the rank or rating of the naval forces of Canada or the Canadian Forces assigned to such person's status by the following table:</p>

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

TABLE

A. *Pensions for Personnel of Canadian Ships or Certified non-Canadian Ships*

<i>Status</i>	<i>Rank or Rating</i>
<i>(a) Ship in Foreign Trade</i>	
(i) Master.....	Commander (Naval), Lieutenant-Colonel (Canadian Forces)
(ii) Chief Officer.	Lieutenant-Com- mander (Naval), Major (Canadian Forces)
(iii) Chief Engineer....	Commander (Naval), Lieutenant-Colonel, (Canadian Forces)
(iv) Second Engineer....	Lieutenant-Com- mander (Naval), Major (Canadian Forces)
(v) Other Navigating and Engineer Officers Purser.....	Lieutenant (Naval), Captain (Canadian Forces)
Surgeon.....	
Chief	
Steward.....	
Wireless.....	
Officer of 10 years or more seniority.....	
(vi) All other Officers.....	Sub-Lieutenant (Naval), Lieutenant (Canadian Forces)
<i>(b) Ship in Home Trade</i>	
(i) Master.....	Lieutenant (Naval), Captain (Canadian Forces)
(ii) All other officers.....	Sub-Lieutenant (Naval), Lieutenant (Canadian Forces)

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

(c) *Ship in Inland and Minor Waters Trade*(i) Master.....Lieutenant (Naval),
Captain (Canadian Forces)

(ii) All other officers.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces)

(d) *All trades*

(i) All other members of the crew.....Able Seaman (Naval), Private (Canadian Forces)

(e) *Pilots*

(i) Licensed Pilots.....Lieutenant (Naval), Captain (Canadian Forces)

(ii) Licensed Apprentice Pilots.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces)

B. *Pensions for Canadian Salt-Water Fishermen.*

(a) Master of fishing boats of 60 registered tons or over..Lieutenant (Naval), Captain (Canadian Forces)

(b) Master of other fishing boats.....Sub-Lieutenant (Naval), Lieutenant (Canadian Forces)

(c) Other members of the crew.....Able Seaman (Naval), Private (Canadian Forces)."

3. Sections 18 and 21 are amended by substituting the words "Captain (Army) or Captain (Canadian Forces)" for the words "Captain (Army)".

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

4. Sections 19, 20, 46, 47, 55 and 60 are amended by substituting the words "Lieutenant (Army) or Lieutenant (Canadian Forces)" for the words "Lieutenant (Army)" wherever they occur.
5. Section 22 is amended by substituting the words "the army forces of Canada or the Canadian Forces" for the words "the army forces of Canada".
6. Section 23 is repealed and the following substituted therefor:

"23. The rate of pension to be awarded to or in respect of a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom shall be determined according to the rank or rating of the army forces of Canada or the Canadian Forces assigned to such member's status by the following table:

TABLE

<i>Status</i>	<i>Rank or Rating</i>
Commanding	
Officer.....	Lieutenant-Colonel (Army), Lieutenant-Colonel (Canadian Forces)
Divisional Officer..	Major (Army), Major (Canadian Forces)
Column Officer...	Captain (Army), Captain (Canadian Forces)
Senior Company Officer.....	Lieutenant (Army), Lieutenant (Canadian Forces)"
Company Officer..	
Section Leader,	
Leading Fire-	
man, Senior	
Fireman, Fire-	
man and Junior	
Fireman.....	

SCHEDULE B—*Continued*

Act affected.	Repeal or amendment.
Coastal Fisheries Protection Act 1952-53, c. 15	Subparagraph (iii) of paragraph (i) of section 2 is repealed.
Criminal Code 1953-54, c. 51	Paragraph (4) of section 2 is repealed and the following substituted therefor: “(4) “Canadian Forces” means the armed forces of Her Majesty raised by Canada;”
Defence Production Act R.S., c. 62	Paragraph (e) of section 2 is repealed and the following substituted therefor: “(e) “defence projects” means buildings, aerodromes, airports, dockyards, roads, defence fortifications or other military works, or works required for the production, maintenance or storage of defence supplies;”
Defence Services Pension Continuation Act 1959, c. 21, Part II	The said Act is amended by adding thereto the following section: “44F. The Governor in Council may make regulations (a) providing for the counting as service under any of Parts I to III of service as a member of the Canadian Forces after the coming into force of Part I of the <i>Canadian Forces Reorganization Act</i> to the extent provided under this Act for the counting of service in the naval, army or air forces of Canada; and (b) for the making of such other adaptations of any of the provisions of Parts I to IV as are necessary in order to give effect to those provisions in relation to Part I of the <i>Canadian Forces Reorganization Act</i> .”
Department of Veterans Affairs Act R.S., c. 80	1. Section 5 is repealed and the following substituted therefor: “5. The duties, powers and functions of the Minister extend and apply to the administration of statutes enacted by the Parliament of Canada, and of orders of the Governor in Council, as are not by law

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

assigned to any other department of the Government of Canada or any Minister thereof, relating to the care, treatment, training or re-establishment in civil life, of any person who served in the Canadian Forces or in the naval, army or air forces of Her Majesty, of any person who has otherwise engaged in pursuits relating to war, and of any other person designated by the Governor in Council, and to the care of the dependants of any such person, and extend and apply as well to all such other matters and such boards and other public bodies, subjects, services and properties of the Crown as may be designated, or assigned to the Minister by the Governor in Council."

2. Paragraph (a) of subsection (1) of section 6 is repealed and the following substituted therefor:

"(a) for the control and management of any hospital, workshop, home, school or other institution, owned, acquired or used by Her Majesty for the care, treatment or training of persons who served with the Canadian Forces, the naval, army or air forces of Her Majesty or any of Her Majesty's allies and of the persons undergoing care, treatment or training therein, or who receive any benefit administered by the Minister;"

3. Paragraph (g) of subsection (1) of section 6 is repealed and the following substituted therefor:

"(g) for the sheltered employment of former members of the Canadian Forces, the naval, army or air forces of Her Majesty or any of Her Majesty's allies, including after-care of the tuberculous, for the granting of free transportation in Canada to any former member of such forces who has been pensioned for total blindness or for a disability that necessitates an escort when travelling; for providing burial

SCHEDULE B—Continued

Act affected.

Repeal or amendment.

expenses for former members of such forces who die in destitute circumstances; for the treatment of former members of such forces classified as wholly incurable or chronically recurrent cases needing institutional care; for the provision of measures of unemployment relief to former members of such forces and their dependants; and for the payment of compensation in respect of industrial accidents; the whole subject to such appropriations as Parliament may provide;"

4. Subsections (2) and (3) of section 6 are repealed and the following substituted therefor:

"(2) The Governor in Council may make regulations respecting the collection, administration and distribution of the service estates of former members of the Canadian Forces or the naval, army or air forces of Canada who die while receiving hospital treatment or institutional care under the control or direction of the Department on account of any disability suffered or incurred during their service as such members.

(3) For the purposes of subsection (2), the expression "service estate" means that part of the personal estate of the deceased former member of the Canadian Forces or the naval, army or air forces of Canada mentioned in that subsection that consists of balance of pay and allowances, and all other emoluments emanating from the Crown, that at the date of death are due or otherwise payable, and all personal belongings found on the deceased or in the care or custody of the Department, including cash on hand and personal articles and effects."

Exchequer Court Act
R.S., c. 98

1. Paragraph (j) of subsection (1) of Section 18 is repealed and the following substituted therefor:

"(j) every application for a writ of *habeas corpus ad subjiciendum* or a writ of *certiorari* or a writ of prohibition, or

SCHEDULE B—*Continued*

Act affected.	Repeal or amendment.
	<p>a writ of <i>mandamus</i>, in relation to any officer or man of the Canadian Forces serving outside of Canada, or in relation to any proceedings, or to any act or omission respecting any such officer or man, to the same extent as and under similar circumstances in which jurisdiction now exists in the Exchequer Court of Canada or in the courts or judges of the several provinces in respect of similar matters within Canada.”</p>
	<p>2. Section 50 is repealed and the following substituted therefor:</p>
	<p>“50. For the purpose of determining liability in any action or other proceeding by or against Her Majesty, a person who was at any time since the 24th day of June, 1938, a member of the Canadian Forces or the naval, army or air forces of Her Majesty in right of Canada shall be deemed to have been at such time a servant of the Crown.”</p>
<p>Family Allowances Act R.S., c. 109</p>	<p>Subparagraph (iv) of paragraph (b) of section 2 is repealed and the following substituted therefor:</p>
	<p>“(iv) who was born while his father or mother was a member of the Canadian Forces or the naval, army or air forces of Canada or within twelve months after his father or mother had ceased to be a member of the Canadian Forces or those forces.”</p>
<p>Geneva Conventions Act 1964-65, c. 44</p>	<p>Subsection (2) of section 7 is repealed and the following substituted therefor:</p>
	<p>“(2) A prisoner of war described in subsection (1) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of such unit or other element of the Canadian Forces as may be holding him in custody.”</p>

SCHEDULE B—*Continued*

Act affected.	Repeal or amendment.
Government Employees Compensation Act R.S., c. 134	Subsection (2) of section 2 is repealed and the following substituted therefor: “(2) This Act does not apply to any person who is a member of the regular force of the Canadian Forces or of the Royal Canadian Mounted Police.”
Income Tax Act R.S., c. 148	1. Subparagraph (ii) of paragraph (b) of subsection (1) of section 5, subsections (1) and (3) of section 66, paragraph (b) of subsection (3) of section 139 are amended by substituting the words “Canadian Forces” for the words “naval, army or air forces of Canada”. 2. Paragraph (b) of subsection (4a) of section 27 is amended by substituting the words “regular force” for the words “regular forces”.
North Pacific Fisheries Convention Act 1952-53, c. 44	Subparagraph (iii) of paragraph (f) of section 2 is repealed.
Northern Pacific Halibut Fishery Convention Act 1952-53, c. 43	Subparagraph (iii) of paragraph (g) of section 2 is repealed.
Northwest Atlantic Fisheries Convention Act 1953-54, c. 18	Subparagraph (iii) of paragraph (e) of section 2 is repealed.
Official Secrets Act R.S., c. 198	1. Paragraph (d) of section 2 is repealed and the following substituted therefor: “(d) “munitions of war” means arms, ammunition, implements or munitions of war, military stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;” 2. Subparagraph (i) of paragraph (g) of section 2 is repealed and the following substituted therefor: “(i) any work of defence belonging to or occupied or used by or on behalf of Her Majesty including arsenals,

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

armed forces establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war,"

3. Paragraph (a) of subsection (1) of section 5 is repealed and the following substituted therefor:

"(a) uses or wears, without lawful authority, any military, police or other official uniform or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform;"

4. Paragraph (c) of subsection (1) of section 5 is repealed and the following substituted therefor:

"(c) forges, alters, or tampers with any passport or any military, police or official pass, permit, certificate, licence or other document of a similar character, (hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document;"

5. Paragraph (e) of subsection (1) of section 5 is repealed and the following substituted therefor:

"(e) uses, or has in his possession or under his control, without the authority of the Government department or the authority concerned, any die, seal, or stamp of or belonging to, or used, made,

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

Pension Act
R.S., c. 207

- or provided by any Government department, or by any diplomatic or military authority appointed by or acting under the authority of Her Majesty, or any die, seal or stamp, so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession, or under his control, any such counterfeited die, seal or stamp;"
1. Paragraphs (n) and (o) of section 2 are repealed and the following substituted therefor:
 - "(n) "member of the forces" means a person who has served in the Canadian Forces or in the naval, army or air forces of Canada since the commencement of World War I;
 - (o) "military service" or "service" means service in the Canadian Forces or in the naval, army or air forces of Canada since the commencement of World War I;"
 2. Schedule B is amended by substituting the words

"Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air), Lieutenant-Colonel (Canadian Forces), and all ranks and ratings below"

and

"Captain (Naval), Colonel (Army), Group Captain (Air), Colonel (Canadian Forces)"

and

"Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air), Brigadier-General and higher ranks (Canadian Forces)"

for the words

"Commander (Naval), Lieutenant-Colonel (Army), Wing Commander (Air), and all ranks and ratings below"

and

SCHEDULE B—*Continued*

Act affected.	Repeal or amendment.
	<p>“Captain (Naval), Colonel (Army), Group Captain (Air)”</p> <p>and</p> <p>“Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air)”,</p> <p>respectively.</p>
Public Service Superannuation Act 1952-53, c. 47	<p>1. Paragraph (<i>ja</i>) of subsection (1) of section 2 is repealed and the following substituted therefor:</p> <p>“(<i>ja</i>) “regular forces” means the regular force of the Canadian Forces and includes</p> <ul style="list-style-type: none"> (i) the forces known before the coming into force of Part I of the <i>Canadian Forces Reorganization Act</i> as the regular forces of the Canadian Forces; (ii) the forces known before the coming into force of Part II of the <i>National Defence Act</i> as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;” <p>2. Clause (AB) of subparagraph (iii) of paragraph (<i>b</i>) of subsection (1) of section 5 is repealed and the following substituted therefor:</p> <p>“(AB) any continuous period of full-time service of six months or more in the Canadian Forces or the naval, army or air forces of Her Majesty raised by Canada or as a special constable of the Force who ceased to be a special constable of the Force on or after the 1st day of March, 1949 (except any such</p>

SCHEDULE B—Continued

Act affected.	Repeal or amendment.
Royal Canadian Mounted Police Superannuation Act 1959, c. 34	<p data-bbox="557 261 957 388">period described in clause (A) or (C) of this subparagraph), if he elects, within one year of becoming a contributor under this Act, to pay for that period,”</p> <p data-bbox="401 412 957 487">1. Paragraph (l) of subsection (1) of section 2 is repealed and the following substituted therefor:</p> <p data-bbox="441 513 957 587">“(l) “regular forces” means the regular force of the Canadian Forces and includes</p> <p data-bbox="519 591 957 711">(i) the forces known before the coming into force of Part I of the <i>Canadian Forces Reorganization Act</i> as the regular forces of the Canadian Forces, and</p> <p data-bbox="511 714 957 967">(ii) the forces known before the coming into force of Part II of the <i>National Defence Act</i> as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force;”</p> <p data-bbox="401 993 957 1068">2. Clause (E) of subparagraph (ii) of paragraph (b) of section 5 is repealed and the following substituted therefor:</p> <p data-bbox="493 1081 957 1334">“(E) any continuous period of full-time service of six months or more in the Canadian Forces other than the regular force or in the navy, army or air forces of Her Majesty raised by Canada other than the regular forces, if he elects within one year of becoming a contributor under this Part, to pay for that service,”</p> <p data-bbox="401 1360 957 1409">3. Subsection (3) of section 27 is repealed and the following substituted therefor:</p>

“(3) In applying Schedules A and B of the *Pension Act* for the purposes of this Part, the ranks in the Force set out in the

SCHEDULE B—*Continued*

Act affected.

Repeal or amendment.

following table, and such prescribed classes in the Force of members not holding a rank in the Force as are specified in accordance with the regulations to be the classes corresponding to those ranks, shall be deemed to correspond to the ranks in the Canadian Forces set out as follows:

<i>Rank in Force</i>	<i>Canadian Forces Rank</i>
Commissioner, Deputy Commissioner or Assistant Commissioner.....	Brigadier-General and higher ranks
Chief Superinten- dent.....	Colonel
Superintendent and lower ranks...	Lieutenant-Colonel and lower ranks."

Senate and House of
Commons Act
R.S., c. 249

1. Paragraph (b) of section 12 and section 37 are amended by substituting the words "reserve force" for the words "reserve forces".
2. Section 38 is repealed and the following substituted therefor:

"38. In the calculation of any deduction from any member's sessional allowance on account of absence, days which were spent by such member in the Canadian Forces or in any other armed forces of the Crown while such forces are on active service in consequence of any war shall not be computed."

Technical and Vocational
Training Assistance Act
1960-61, c. 6

- Paragraph (a) of section 8 is repealed and the following substituted therefor:

"(a) for any person serving in the Canadian Forces and for any person who formerly served in such Forces or in the naval, army or air forces of Canada and who has been approved for such training by the Minister of Veterans Affairs; and"

SCHEDULE B—*Continued*

Act affected.	Repeal or amendment.
Trade Marks Act 1952-53, c. 49	Subparagraph (i) of paragraph (n) of subsection (1) of section 9 is repealed and the following substituted therefor: “(i) adopted or used by any of Her Majesty’s Forces as defined in the <i>National Defence Act</i> ,”
Veterans Insurance Act R.S., c. 279	Subparagraph (iii) of paragraph (b) of subsection (1) of section 3 is repealed and the following substituted therefor: “(iii) a member of the regular force who has not been released from such force and who was engaged in service during the war,”
Yukon Placer Mining Act R.S., c. 300	Section 51 is repealed and the following substituted therefor: “51. The Governor in Council may make regulations exempting members of the armed forces of Her Majesty or any of Her Majesty’s allies, during the period of their service as such and one year thereafter, from the provisions of this Act respecting forfeiture of mineral claims held by them at the time of their enlistment, for non-performance of work or non-payment of assessments or rentals.”
Yukon Quartz Mining Act R.S., c. 301	Section 56 is repealed and the following substituted therefor: “56. The Governor in Council may make regulations exempting members of the armed forces of Her Majesty or any of Her Majesty’s allies, during the period of their service as such and one year thereafter, from the provisions of this Act respecting forfeiture, for non-performance of work or non-payment of assessments, or rentals, of mineral claims held by them at the time of their enlistment.”

14-15-16 ELIZABETH II.

CHAP. 97

An Act to amend the Income Tax Act.

[Assented to 8th May, 1967.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (c) of section 105D of the *Income Tax Act* is repealed and the following substituted therefor:

“(c) “tax period” means the period commencing on May 1, 1966, and ending on March 31, 1967;”

2. Paragraph (a) of subsection (1) of section 105F of the said Act is repealed and the following substituted therefor:

“(a) on or before the last day of each month commencing with the month ending May 31, 1966 and ending with the month ending March 31, 1967, (each of which days is herein referred to as an instalment payment date), an instalment of the tax payable under this Part for the taxation year of the corporation in which the payment is required, estimated in accordance with subsection (2); and”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

R.S., c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
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1956, c. 39;
1957, c. 29;
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18;
1966-67, c. 25,
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*There are a certain number of Acts, in force before 1952, which have not been repealed and have not been consolidated in the Revised Statutes, 1927 or of 1952. Therefore as those Acts are still in force they are included in this Table.

Also in the Revised Statutes of Canada, 1927, and in the Statutes of Canada, from 1927 to 1952, there are a number of sections (or parts thereof) still in force, reference should be made to Schedule A of Volume V (Supplement) of the Revised Statutes of Canada, 1952.

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